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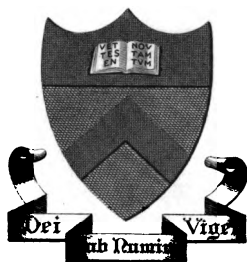
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STATE OF NEW YORK

ANNUAL REPORT

OF THE

Pres.
INDUSTRIAL COMMISSION

FOR THE TWELVE MONTHS ENDED JUNE 30,

1918

NEW YORK STATE DEPARTMENT OF LABOR



ALBANY
STATE DEPARTMENT OF LABOR
1919



ALBANY

J. B. LYON COMPANY, PRINTERS

1919

ANNUAL REPORT OF THE INDUSTRIAL COMMISSION

STATE OF NEW YORK

DEPARTMENT OF LABOR

ALBANY, *April 17, 1919*

To the Legislature:

Pursuant to law, the annual report of the Industrial Commission, comprising individual reports of the several bureaus of the Department, for the twelve months ended June 30, 1918, is herewith submitted.

Respectfully,

JOHN MITCHELL,

Chairman;

EDWARD P. LYON,

LOUIS WIARD,

JAMES M. LYNCH,

HENRY D. SAYER,

Commissioners.

By the Commission:

W. S. COFFEY,

Secretary.

[3]

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PART I
REPORT OF THE BUREAU OF INSPECTION

[7]

(1) REPORT OF FIRST DEPUTY COMMISSIONER IN CHARGE OF BUREAU OF INSPECTION

To the Industrial Commission:

The report herewith submitted covers the period for the twelve months ended June 30, 1918, and has appended thereto the reports of the Chiefs of the several divisions of the Bureau of Inspection. There is, also, attached the complete statistical tables showing in full detail the work accomplished by the Bureau of Inspection.

An examination of the tabulation accompanying this report will reveal that there has been a general increase in the amount of work accomplished as compared with the previous year. Along with this increase, the standard of work performed by the Inspection Bureau has steadily improved. The systematic methods employed, with the limited force at our command, have resulted in producing a high standard of efficiency. The task which the Labor Law imposes on the Bureau relative to the enforcement of its many provisions is gigantic.

The Bureau has been very successful in obtaining, in a large degree, the co-operation of the employers and employees and maintenance of safe working conditions in factories and mercantile establishments. While much remains to be accomplished, splendid progress has been achieved which contributed materially to the very large reduction in industrial accidents shown in New York State in the past year.

During the year the Factory Inspection Division made a regular inspection of the 65,459 factories located in the State; issued 135,703 orders and secured compliance with 152,361 orders. With the excess of compliances over orders issued, we have practically brought our compliances with orders issued up to date. The following tables show briefly, in part, the amount of work accomplished by the Division of Factory Inspection:

	INSPECTION WORK	Twelve months ended June 30, 1918
Factories:		
Regular inspections		65,459
Building surveys		49,826
Special inspections		23,745
Complaint investigations		2,016
Special investigations		8,033
Compliance visits		83,294
Department office calls		6,521
Information calls		8,697
Factory closed or vacated		<u>2,683</u>

ORDERS AND COMPLIANCES		Twelve months ended June 30, 1918
Factory orders:		
Administration		35,052
Sanitation		48,735
Accident prevention		39,730
Fire protection		6,022
Children		5
Women and male minors		147
Day of rest		3,183
Miscellaneous		2,829
Total		<u>135,703</u>

		Twelve months ended June 30, 1918
Factory compliances:		
Administration		35,069
Sanitation		54,849
Accident prevention		47,475
Fire protection		8,397
Children		6
Women and male minors		174
Day of rest		3,121
Miscellaneous		3,270
Total		<u>152,361</u>

BLOCK SYSTEM

We have used the Block System of making regular factory inspections long enough to prove beyond question its effectiveness. In every test to which we have subjected this method, it has proven equal to the test and fully justifies our claims for it at the time we originated the plan of systematically covering the territory and locating the factories therein. This plan enables us to be in possession of the exact number of factories in subdivisions of the State, or any part of a city, and makes it very easy to revisit or reinspect all places found vacant at time of regular inspection. Its greatest advantage is the large amount of time saved in performing the work, and the knowledge that every block and all buildings likely to contain factories have been properly covered. Should any be missed, the responsibility for failure to cover them may be definitely placed.

The merit of this plan of covering the State is clearly shown in the fact that we found during the fiscal year, 5,461 more factories than were found during the previous year. While some of this number are new industries, a very large part of them were places brought to light by the systematic plan of covering the State.

If it were not for the advantage of the system, it would be impossible to accomplish the results we have secured. New York, with its 65,459 factories, imposes a great amount of work on the Factory Inspection Bureau to enforce the many provisions of the Labor Law, as it relates to such factories and factory buildings. In order to properly inspect the factories, we were compelled to survey 49,826 factory buildings. The number of factories and factory buildings clearly indicates the necessity for our devising the most effective manner of performing the arduous task with the limited force at our command.

OUTSTANDING ORDERS

For those not intimately associated with the work it has been difficult in the past to measure the magnitude of the duties imposed on the inspection force by the numerous provisions of the Labor Law. Our present system of statistical tabulation of orders and compliances enables us to properly record the many thousands of orders which the Bureau of Inspection is compelled to issue, and for which orders they must secure compliance in order to properly apply the provisions of the law.

Even to those assisting in the enforcement of the law it has been difficult to realize the large volume of orders which the Inspection Bureau is compelled to issue. The following tabulation will show clearly the number of factory orders issued from October 1, 1913, to June 30, 1918, covering a period of the past five fiscal years.

A study of these figures will reveal that the Factory Inspection Division secured compliance with 152,361 orders during the last fiscal year, bringing the compliance work practically up to date, there remaining but 15,439 orders uncomplied on June 30, 1918. Of this number, 4,440 were issued in June, the last month of the fiscal year. These tables show that in the past three years we have secured compliance with many of the old outstanding orders and the 15,439 uncomplied orders remaining at the end of the fiscal year were less than the number of compliances secured during a current month in the last year when the inspection force was doing regular inspection work.

The table of Health and Safety Orders, which includes orders for sanitation, accident prevention and fire protection, will give

some conception of the enormous task with which the inspection force has to grapple in order to enforce the provisions of the law relative to health and safety in factories.

ORDERS AND COMPLIANCES REPORTED BY THE DIVISION OF FACTORY INSPECTION IN THE ENTIRE STATE OF NEW YORK FROM OCTOBER 1, 1913, TO JUNE 30, 1918, BOTH INCLUSIVE

WHOLE NUMBER OF ORDERS AND COMPLIANCES		
FISCAL YEAR	Orders	Compliances
Oct. 1, 1913-Sept. 30, 1914.....	287,893	179,826
Oct. 1, 1914-Sept. 30, 1915.....	163,968	135,697
Oct. 1, 1915-June 30, 1916.....	*116,399	*125,889
July 1, 1916-June 30, 1917.....	173,982	206,625
July 1, 1917-June 30, 1918.....	135,703	152,361
Total.....	877,945	†800,398

ORDERS AND COMPLIANCES RELATING TO HEALTH AND SAFETY

FISCAL YEAR	—SANITATION—		—ACCIDENT PREVENTION—	
	Orders	Compliances	Orders	Compliances
Oct. 1, 1913-Sept. 30, 1914..	74,359	44,094	70,768	40,286
Oct. 1, 1914-Sept. 30, 1915..	41,418	34,247	50,742	38,129
Oct. 1, 1915-June 30, 1916..	*32,038	*31,944	*36,483	*41,634
July 1, 1916-June 30, 1917..	53,555	63,201	46,288	60,486
July 1, 1917-June 30, 1918..	48,735	54,849	39,730	47,475
Total.....	250,105	228,335	244,011	228,010

FISCAL YEAR	—FIRE PROTECTION—		—TOTAL—	
	Orders	Compliances	Orders	Compliances
Oct. 1, 1913-Sept. 30, 1914..	100,305	58,947	245,432	143,327
Oct. 1, 1914-Sept. 30, 1915..	33,710	27,378	125,870	99,754
Oct. 1, 1915-June 30, 1916..	*18,433	*22,699	*86,954	*96,277
July 1, 1916-June 30, 1917..	9,684	17,481	109,527	141,168
July 1, 1917-June 30, 1918..	6,022	8,397	94,487	110,721
Total.....	168,154	134,902	662,270	†591,247

* For nine months, the fiscal year having been changed by law from October 1-September 30 to July 1-June 30.

† Exclusive of 62,108 orders, in which jurisdiction was transferred by law to New York City departments, or the illegal conditions ceased by reason of modifications in the Labor Law and Industrial Code, removals, fires, or accompanying circumstances such as to make the original orders no longer necessary to be enforced by the Department of Labor. These figures bring the aggregate number of orders disposed of up to 862,506, leaving a total of 15,439 orders outstanding on July 1, 1918. Included in these 15,439 uncompiled orders are 4,440 orders that were issued in the month of June, 1918, and the impossibility of securing compliance with the major portion of these latter orders before July 1 is readily apparent.

‡ Exclusive of 16,132, 8,419, and 31,428 orders relating, respectively, to sanitation, accident prevention, and fire protection, in which cases jurisdiction was transferred by law to New York city departments, or the illegal conditions ceased to exist by reason of modifications in the Labor Law and Industrial Code, removals, fires or accompanying circumstances such as to make the original orders no longer necessary to be enforced by the Department of Labor. These figures bring the aggregate number of orders disposed of in regard to sanitation, accident prevention, and fire protection up to, respectively, 244,467, 236,429, and 166,330, thus leaving 5,638, 7,582, and 1,824 orders outstanding on July 1, 1918, respectively, in relation to sanitation, accident prevention, and fire protection, making a total of 15,044 orders outstanding on July 1, 1918, for these three groups.

PROSECUTIONS

The statistical tables of prosecutions show in detail the prosecutions instituted by the several divisions of the Inspection Bureau.

The following tables will permit of comparison for the past four years as to prosecutions completed and the amount of fines imposed:

	FISCAL YEAR 1915 (12 months)		FISCAL YEAR 1916 (9 months)	
	Prosecutions completed	Fines imposed	Prosecutions completed	Fines imposed
Factories	845	\$4,387	1,923	\$9,856
Mercantile establishments	876	5,842	840	6,790
Total	1,721	\$10,229	2,763	\$16,646

	FISCAL YEAR 1917 (12 months)		FISCAL YEAR 1918 (12 months)	
	Prosecutions completed	Fines imposed	Prosecutions completed	Fines imposed
Factories	2,835	\$25,250	1,301	\$13,755
Mercantile establishments	1,617	12,385	934	7,950
Total	4,452	\$37,635	2,235	\$21,705

What has been said in former reports relative to prosecutions are pertinent at this time and need not be repeated. It is sufficient to say that far too many employers will persist in violating the provisions of the law and some will not desist until taken to court, while some have to be taken there repeatedly.

WOMEN IN INDUSTRY

During the fiscal year we have made a special investigation in each establishment that has substituted women to perform work formerly done by men. These investigations were made in plants making war materials and those making general lines of products.

The question of women in industry was covered fully in the report of last year. All that was said at that time is applicable at this time and only a brief reference to conditions as they exist at the present is necessary.

While there were many changes, the number of women replacing men was very much smaller than might be imagined under the circumstances. In many instances the claim was put forth that it was impossible to obtain the required number of men, because of the calling of so many men to the colors, or the oppor-

tunity presented to obtain employment at higher wages in numerous war industries.

In some instances the women were paid the same rate as the men, but this was not generally the case, although in many instances the women were doing satisfactory work and of the same standard as the men. In many cases women were employed for less than the rate paid to the men. The substitution of women for men formerly employed has been proportionately greater in banks and business offices than in factories. This is also true to some extent regarding mercantile establishments.

In this connection, I would renew my former recommendation regarding the extension of the protection of the provisions of the hours of labor, as they relate to factories and mercantile establishments, to banks and offices where hours of labor are longer and sanitary conditions, in many instances, are of a much lower standard than in factories and mercantile establishments.

MERCANTILE INSPECTION

Appended hereto is the report of the Division of Mercantile Inspection for the fiscal year, which shows the work of the division in detail. The results shown indicate clearly the excellent work accomplished by the division.

The amendment extending the provisions of the law relative to hours of labor to restaurants has produced very beneficial results, although the changes did not give restaurant employees the full protection of all of the provisions of the Labor Law.

Through the regulation of the hours of labor of females in restaurants, much was accomplished, this class of employees being greatly benefited. There is no employment in which females are engaged which is more fatiguing. Some employers have chosen to test the constitutionality of the law, claiming that it is class legislation.

I would recommend that the law be amended so that Section 8-a, known as the Day-of-Rest Law, would apply to all employees working in restaurants and that further amendments be provided requiring the posting of hours and the installation of proper sanitary conditions for female employees working in restaurants. Experience shows clearly that the sanitary provisions of the Labor Law should apply to all such places.

Attention is again called to the failure of health officers in communities other than cities of the first and second class to enforce the mercantile provisions of the Labor Law. Owing to the many duties imposed on health officers in such communities, it seems they have no time to enforce these provisions; therefore, there is practically no enforcement in many of the third-class cities and villages in the State. It seems advisable to amend the law to correct this condition. If this were done, the general provisions of the law relative to mercantile establishments could be enforced by the inspectors of the Mercantile Division at the same time the inspectors were visiting the location to enforce the provisions of section 8-a (the Day-of-Rest Law) which we are compelled to enforce in cities and villages throughout the State.

HOMework INSPECTION

Appended hereto is the report of the Chief of the Homework Division for the fiscal year, which shows very satisfactory results. The provisions of the law require that inspections of each licensed tenement house be made not less than once in every six months.

A careful study of the homework problem will clearly demonstrate that there is necessity for providing an adequate force to properly carry out the provisions of the law, which endeavors to control the evils existing in connection with work carried on in homes.

In previous reports attention has been called to the necessity for amending Article VII of the Labor Law, which applies to tenement houses exclusively. The records of the Homework Division show that there is an abundance of homework carried on in the dwelling houses where one and two families reside and that the work, in many instances, was carried on with all the attendant evils which exist in tenements.

Experience shows that the evils in connection with homework are not created by the type of house or building in which the work is done, but very much depends on the habits or conditions of the people doing the work. While the tenement house is one in which three families live, the dwelling house is just as much of a menace, provided the premises or an apartment therein, is not kept in proper sanitary condition and the persons doing the work

are unclean or subjected to the hazards of contagious or infectious diseases. It is essential to bear in mind at all times that the purpose of the statute was to protect the public health and to do this efficiently, it is important that the work must be followed and supervised in the workers' homes, regardless of the type of building in which the workers may live.

The Chief of the Homework Division has clearly stated in his report that necessity is largely the cause for homework. In most instances the employers take advantage of conditions and the remuneration is small; consequently, the majority of homeworkers are forced to accept low wages and are compelled to work long hours in an effort to make a living wage. In many instances they must neglect their household duties and, consequently, unsanitary conditions prevail.

As in previous reports, I recommend that the provisions of the law be extended to include all classes of dwellings in which such work may be performed, as is indicated in section 100 of the Labor Law.

We receive numerous complaints relative to work carried on in dwellings. Unless the law is amended, we are powerless to remedy the conditions existing.

This year's report shows practically the same number of children under sixteen years of age working in tenements as was shown in previous years.

ACCIDENT PREVENTION

The Division of Factory Inspection has, since July 1, 1915, inaugurated a vigorous campaign to prevent industrial injuries. We have accomplished very satisfactory results in securing compliance with a large number of orders issued relative to accident prevention. The same satisfactory results have been obtained throughout this fiscal year, we having secured compliance with 47,475 accident prevention orders during the year. We have experienced some delay in having safeguards promptly installed because of the difficulty in securing material and labor in war time. While we have been compelled to invoke a very vigorous policy in order to secure the results shown, we can say that in the main we have had the co-operation and assistance of the manu-

facturers generally in the campaign to make industry as safe as possible by the installation of safety devices. While the installing of safeguards is very necessary in order to prevent industrial injuries, we should not forget that such safeguards will not eliminate all accidents. In this connection I desire to impress upon the Commission the necessity of broadening the provisions of the law so as to require the installation of safe practices in hazardous industries. Many persons are injured in the industries of the State by failure to install and carry on the campaign of safe practices in industries which are hazardous. Some of the accidents have no connection with the machinery in the plant.

Many of the industries coming under the forty-five groups of the Compensation Law are not subject to inspection, there being but twenty-five of such groups covered by the Inspection Bureau in whole or in part. Many of those not inspected are the most hazardous and have many appliances, tools, etc., which if subjected to inspection would result in providing reasonably safe working conditions and appliances for many thousands of employees who are subject to the hazards of these employments.

In order to establish a full measure of protection to the employees of our hazardous industries, it will be necessary to carry on a campaign of education as to the safe practices in the industry. To do this effectively, the industry must be carefully studied and the employees properly instructed as to the best manner of protection for themselves and their fellow employees. When we consider that the cost of industrial injuries in this State reaches many millions of dollars each year, it would be good business on the part of the State to provide the means to properly attack this frightful economic waste which occurs annually in industry, and, in this way, preserve the lives and limbs of many working people, thus preventing much suffering and misery, and by doing this work of mercy, save millions of dollars yearly.

Some of the larger industrial plants employ safety engineers, who carry on very creditable safety campaigns; also, some excellent welfare work. Nevertheless, there are not many employing safety engineers, when we consider the number of industrial plants that could do so. There are many large establishments that do

not properly organize safety work in their plants. Some who endeavor to carry on safety campaigns fail in their effort, due to an inferior type of safety director. In some instances, where the safety director is competent, the failure is due to the management of the establishment in not permitting the director to spend sufficient money to properly install safeguards and organize safe practices in a practical and efficient manner. Thus it very frequently happens that improper and impracticable guarding has to be discarded and orders issued by the Inspection Bureau to provide adequate protection to the employees of the establishment. While many manufacturing establishments in our State are doing very creditable work in their endeavor to prevent industrial injury, it should be borne in mind that many thousands of factories do nothing relative to organizing effective safety work — some because of lack of knowledge or indifference, others because of their reluctance to spend money for the installation of devices which would protect the workers from injury. In many establishments this policy is pursued regardless of the fact, which is now generally conceded, that the installation of safeguards and the adoption of safe practices for the industry and the instruction of the employees regarding these practices are known to be a paying investment, even in the smallest plant. Too many employers believe that in paying a premium for compensation, and shifting to the insurance carrier the cost of injury, they have discharged every financial and moral obligation due their employees. Having protected themselves from financial loss, they have very little regard concerning the injury or physical suffering which their employees may experience. In consideration of all these difficulties, the New York State Inspection Bureau has struggled with this important problem and has been fairly successful in mastering it.

It should be borne in mind that those responsible for the conduct of the large majority of the 65,459 manufacturing establishments know far too little of the practical methods of installing safeguards or conducting safe practices in industry. They cannot afford to employ a safety engineer, and do not seem competent to meet the problem in a practical way. Therefore, the State

factory inspector must act as safety man in this large class of establishments. In this type of factory and in others where they readily install proper safeguards, the inspector must instruct both the employer and the workmen in a practical, up-to-date method of safeguarding, and as to the proper plan of inaugurating and conducting a campaign of safe practices.

Regarding the enforcement of orders relative to safeguarding employees from injury, there are those who advocate that all that is necessary to induce manufacturers to install proper safeguards is proper co-operation between the manufacturer and the State Inspection Bureau, charged with the enforcement of the provisions of the law. Such co-operation is ideal. It is essential, but not always possible to secure. Experience shows that without a policy of insistence on compliance with orders issued, and without the power to prosecute violators of the law or authority to tag unsafe machinery, far less protection would be provided for employees. A very large percentage of the manufacturers of New York State are co-operating with the Inspection Bureau. These manufacturers deserve great credit for the results accomplished by them in making their plants as safe as possible, in order to protect the employees from industrial injury. However, far too many of the establishments must be forced to do what is reasonable and fair for the protection of their employees, as will be shown in the tables of prosecutions, taggings, etc., accompanying this report.

Under the provisions of section 81 of the Labor Law, we are empowered to tag as unsafe all machines which are dangerous and unguarded. With this provision of law we have the most effective means of securing compliance with the accident prevention orders issued. If the orders are not complied with at the time set forth in the original notice of orders, a letter, known as a "machinery tagging" letter, is issued, fixing a definite date for compliance.

Should the order not be complied with at the time indicated in the "machinery tagging" letter, the unsafe tag is applied to the machines and their use prevented. This has proven the most effective method of securing compliance with the orders to safe-

guard machinery. We issue many of these letters, but are compelled to apply the unsafe tag in very few instances, compared with the number of letters issued. In only 993 cases were the tags used in the fiscal year ended June 30, 1918, which is a small number in comparison with the 47,475 compliances for accident prevention orders secured in the same period.

Following is a list of the types of machines to which tags were attached: Shafting and coupling; buffing, polishing and grinding wheels; drill presses, saws of all kinds, wood jointers, planers and molding machines; corner staying machines, extractors; laundry machines, winder, calender and rolling machines; printing presses, punch presses, stamping and riveting machines; gears, lathes, milling machines, mixers and kneaders, ruling machines, lapping machines, reamers and slotters, belts and pulleys.

The effectiveness of this system of tagging unsafe machinery is proven by the small number of prosecutions begun relative to accident prevention orders, in comparison to the number of prosecutions for other classes of orders issued:

Factory prosecutions begun :	Twelve months ended June 30, 1918
Administration	7
Sanitation	582
Accident prevention	52
Fire protection	230
Children	433
Women and male minors.	191
Day of rest.	257
Miscellaneous	137
Total.	<u>1,896</u>

The 52 prosecutions relative to accident prevention shown in the above table were in instances where the application of the "Unsafe" tag would not prevent the use of the machine. Their character is indicated in the following table:

Elevator and hoistways.	13
Machinery (including vats, pans, etc.)	13
Stairs, platforms, pits, floors, etc. (including repairs)	13
Lighting to prevent accidents.	<u>13</u>

The Inspection Bureau has been very successful in its policy of requiring every inspector to report all installations of new machinery since his previous visit, where the machine itself is

dangerous and the manufacturer of the machine has failed to properly guard the hazardous parts of such machine. In each instance a communication giving in detail the defects is sent to the manufacturer of the machine, asking that they be corrected. It is very gratifying to say that in every instance the makers of the machines have signified their intention to remedy the defects on all machines manufactured thereafter, and have heartily co-operated with the Bureau of Inspection to make their machines safe for the operator.

We all realize that the hazard in industry is very great. The Compensation Bureau estimates, in the fiscal year ended June 30, 1918, there were 280,000 industrial accidents reported to the Commission, resulting in approximately 51,500 claims for compensation. The compensation awarded will total approximately \$15,500,000. The cost of injuries reported, figuring the loss of wages and the compensation paid, is approximately \$60,000,000. This is an enormous economic loss, to say nothing of the suffering these injuries entail. The number of injuries should be reduced to a minimum. However, this total of industrial accidents is not all due to factory employment, but covers the industries named in the forty-five groups specified in the Compensation Law. When we measure the claims for compensation, including all the groups, with the number of factories in the State, we find that there is less than one for each factory. It is fair to assume that at least half the injuries occur in those industrial groups over which the Inspection Bureau has no power to regulate or improve the hazardous condition.

Never in the country's history has so much depended on our industries, and most important are the workers in industry. The present world conflict will be decided in favor of the nation having the greatest man power; never has a worker been valued so highly, so in this campaign for safe practices in industry, we only do our share when we furnish our full measure of protection to the workers in industry, so that they may contribute all their efficiency and skill to the country's cause.

ADDITIONAL INSPECTORS

The Inspection Bureau, by the introduction of improved methods of performing its various duties, has greatly increased the standards and amount of the work it was required to perform. This applies to each division of the Bureau. It is essential that an increased number of inspectors be provided to enable the Bureau to properly enforce all the provisions of the law and code. The necessity of increasing the number of inspectors would apply to the Mercantile and Homework Divisions, as well as the Factory Division. There has been a large reduction in the number of industrial accidents during this year, compared with the previous year. The inspectors of the Bureau have performed their part in accomplishing this satisfactory condition. With additional inspectors much could be done in an educational campaign for safety and would be a paying investment for the State, considering the number of deaths and injuries that could be prevented.

CONCLUSION

It is my desire to express sincere appreciation of the excellent service rendered by the inspection force in general, whose duties are numerous and exacting in order to properly perform their work. They must have full knowledge of the Labor Law and the rules which constitute the Industrial Code. In addition they must have the ability to explain these provisions and instruct employers and employees as to the proper application of the Labor Law and the Industrial Code. In addition thereto they must have knowledge of the practical, up-to-date methods of safeguarding industry.

We have experienced difficulty in the past year in securing the services of the most experienced men on the eligible list, because the salary paid by the State was far below the salary paid to workmen in the mechanical trades. It is very evident that the salary of inspectors should be increased to a standard that will attract to the service men of sufficient technical or mechanical ability to make efficient inspectors.

The office force have likewise rendered splendid service, and they are deserving of consideration relative to increases in salary, as many of them are receiving far less remuneration than the work

they are performing justifies. The Inspection Bureau has accomplished the excellent results achieved by the earnest co-operation of the working force of the Bureau, and it is my desire to gratefully acknowledge the valuable service rendered and express my hearty appreciation to all those having assisted in achieving the results accomplished.

JAMES L. GERNON,
First Deputy Commissioner.

(2) REPORT OF DIVISION OF MERCANTILE INSPECTION

To the First Deputy Commissioner:

Herewith is submitted the annual report of the Division of Mercantile Inspection for the twelve months ended June 30, 1918, with accompanying tables showing in detail the work of the division. This completes the tenth year's work of the mercantile division. A very substantial increase in all directions has been made in this division, as is shown by comparing this report with those of former years, despite the fact that an amendment enacted this year regulating the hours of labor for females in restaurants, added considerably to our duties. Being a new feature of the law, considerable time and labor were expended by our inspection force in explaining its requirements to restaurant keepers, and obtaining a proper observance of same, or enforcement where necessary.

COMPLAINTS

During the fiscal year 1917-1918 a total of 1,388 complaints were received and investigated, of which 550 were sustained. These related to posting of laws, permits, notices; toilet facilities, dressing rooms, cleanliness or repair of sales rooms, lighting, meal time, drinking water and drinking cups, accident prevention, illegal employment of children, illegal employment of women, day of rest, miscellaneous.

CHILD LABOR

Necessities of war are constantly removing male employees of mercantile establishments (classed as non-essential). This enables those employed in this line of work to demand greatly increased wages, and many employers in their efforts to minimize expenses, have resorted to child labor as a means to this end, though children are now receiving a greater rate of compensation than ever before. The opportunity to earn this higher rate of wages is responsible for many children having entered the field of employment, who otherwise would have continued in school.

Owing to conditions created by war, our administration of those sections of the Labor Law regulating child labor has demanded increased vigilance and effort in order to afford children the protection which this law was intended to give.

NEW LEGISLATION

The Legislature of 1918 passed a law amending the provisions of sections 162 and 163, permitting children to work during the summer vacation period, provided they obtained the form of certificate required by this act. Following is a synopsis of section 165-a, Summer Vacation Permit. This act went into effect July 1, 1918:

During the months of July and August, children between the ages of fourteen and sixteen years may be employed in or in connection with any mercantile establishment or business office in cities or villages, upon obtaining the summer vacation permit herein provided for. The permit is to be issued to the employer, and returned by him upon termination of the employment of the child, or within three days after August 31st, if the child was employed until the termination of the permit.

HOURS OF LABOR FOR FEMALES

Notwithstanding the fact that many males, formerly employed in restaurants, have entered into war service, their places being filled by females, causing a complete readjustment of working conditions in restaurants, we feel that a very satisfactory observance of the new law is being maintained by the mercantile division.

In bringing prosecutions for violations of the provisions of section 161 relating to restaurants, we have been generally successful, except that in Buffalo and Syracuse defendants have questioned the legality of the act, contending that as its provisions apply only to restaurants not connected with hotels, it is class legislation.

In an action brought before a Magistrate's Court, charging a restaurant keeper with failure to post notice as to the number of hours his female employees were required to work, the case was dismissed on the ground that section 161-a of article 12 related solely to mercantile establishments. Should this magistrate's interpretation of section 161-a, as it relates to restaurants, be generally accepted, our right to enforce same would be lost. Such a contingency should be avoided by an amendment clearly defining the intent of this section.

Posting notice as to the number of hours females and children may be employed in mercantile establishments, restaurants, etc., is a very essential and effective part of the mercantile law, as without this schedule there would be difficulty in securing a proper enforcement of the law.

That we may be able to ascertain whether the posted schedule is being lived up to or not, our inspectors are detailed to make tours of their respective districts before and after prohibited hours. This method of detecting violations has been very successful, and resulted in the prosecution of 358 employers during the past year. Among such employers were firms of druggists, hitherto not having been classed as coming within the provisions of the mercantile law. Our attempt to classify such establishments as mercantile, was opposed on the ground that as drug stores they were exempt; all actions brought in the municipal courts against these concerns were successful.

In an appeal from these courts to the Appellate Division of the Supreme Court of New York State, our action was again sustained. I have been informed that this action has been carried to the New York State Court of Appeals. Pending a final determination of this matter, we are insisting on a full compliance with the provisions of the mercantile law by all persons employed in drug stores.

NEW LEGISLATION

An amendment to the law was also passed, forbidding the employment of females under twenty-one years of age as messengers for telegraph or messenger companies; also requiring that suitable watercloset and washing facilities shall be maintained in all establishments affected by this act. Following is a brief synopsis of section 161-c, regulating employment in telegraph or messenger company service, which went into effect on July 1, 1918:

No male under twenty-one years of age to be employed or permitted to work as a messenger for a telegraph or messenger company before five o'clock in the morning or after ten o'clock in the evening of any day. No female under twenty-one years of age shall be employed in such occupation at any time. No woman over twenty-one years of age to be so employed more than six days or fifty-four hours per week, or before seven o'clock in the morning or after ten o'clock in the evening of any day. The provisions of Article 12 covering time to be allowed for meals, posting of notice of hours employed, and in relation to washing facilities and water closets, apply also to the occupation specified in this section.

NEW CODES

Industrial Code Bulletins Number 21, relating to window cleaning; Number 18, relating to lighting, and Bulletin Number 19, relating to guarding machinery, have recently been adopted by the State Industrial Commission. The provisions of all the above codes apply to mercantile establishments, and are effective beginning July 1, 1918. The regulations contained in these codes will permit us to remedy many evils that have long existed, which we were powerless to remedy heretofore.

Two codes, relating to means of exit from mercantile establishments and guarding of elevator shafts and elevators, are in process of completion by the Industrial Commission. Both of these when completed and made effective, will permit us to provide much better conditions for the safety of persons employed in mercantile establishments.

SECTION 8-a

Employees of mercantile establishments operating on Sunday are entitled to one day's rest in each calendar week under the provisions of section 8-a of the Labor Law. Believing as we do in the necessity of a full observance of this excellent measure, we have redoubled our efforts to that end. Changed conditions caused by the war, have been used by many employers as a pretext to work their employees seven days a week. As stated in our previous report, our present force of inspectors is inadequate to make the frequent and systematic inspection of mercantile establishments operating on Sunday, which is necessary for a satisfactory enforcement of section 8-a, known as the "Day of Rest Law."

SANITATION

The same necessity for providing means for heating, lighting, ventilation and general sanitary conditions in offices, exists as heretofore. This is evidenced by the numerous inquiries received at this office in regard to the requirements of the law on those subjects. The experience gained by the mercantile division during the past year, through the enforcement of the provisions of the law relating to hours of labor for females employed in restaurants, has strengthened our opinion that were the requirements of the law relating to waterclosets and washroom facilities in mercantile

establishments, extended to include restaurants, both employees and patrons of such establishments would be greatly benefited.

The failure of the law to fix responsibility for compliance with orders issued under the provisions of sections 168-a, 168-b, 168-c, 168-d and 168-e, has been remedied by amendments to the sanitary code, effective July 1, 1918, which will enable us to obtain full compliance with orders issued.

Women have recently entered many occupations where formerly they were not employed, and which are not covered by protective legislation afforded females employed in mercantile establishments, restaurants and factories. These occupations include conductors on street railways, elevator operators, surface, elevated and subway railroad ticket sellers and takers, porters at railway stations, warehouses, etc. Females are also employed in greater numbers than formerly by banks, business offices, restaurants and hotels.

MEAL TIME

Persons employed in mercantile establishments, etc., are allowed but twenty minutes supper time under the provisions of subdivision 3, section 161; this amount of time is insufficient.

From observations made and reports received from our inspectors, we are convinced that the provisions of the Labor Law relating to the hours of labor for females and children in cities of the third class, are not generally enforced. Health officers who are required to enforce its provisions in such cities, claim they have not time to attend to such duties, and the city authorities fail to provide the necessary force. With ten additional inspectors, it is believed this division could fully assume the enforcement of the requirements of article 12 in the forty-nine third-class cities of the State.

RECOMMENDATIONS

We recommend the following changes in the Labor Law:

- (1) That subdivision 3, section 161, be amended so as to allow not less than thirty minutes for supper period.
- (2) That the provisions of the Labor Law regulating the hours of labor for females and children in cities of the third

class, be amended to place the responsibility for enforcement of same upon this division.

- (3) That no female be permitted to be employed as an elevator operator, until such female has first had a course of instruction under a competent and experienced instructor, and that female elevator operators be over twenty-one years of age. Seats to be provided in elevator cars for use of female operators.
- (4) That the provisions of the mercantile law relating to the employment of children, be amended so as to forbid the employment of a child under sixteen years of age to operate a freight or passenger elevator in any of the following establishments: Mercantile establishments, business office buildings, restaurants, hotels, apartment houses, theaters or other places of amusement.
- (5) That provision be made requiring proprietors of mercantile establishments, offices, restaurants, to install a first aid kit in all such places where four or more persons are employed.
- (6) That the Labor Law extend its provisions relative to providing waterclosets, washing facilities and dressing rooms, to all establishments not at present covered by such provisions.
- (7) That section 8-a be amended so as to include within its scope all classes of employees who work seven days per week, also to prohibit employees from working seven days per week in two or more establishments, either mercantile or factory.
- (8) That article 12 be amended so as to include all cities within the jurisdiction of the State Industrial Commission.
- (9) That the provisions of section 161, relating to hours of labor of minors and women in mercantile establishments, be extended to apply to females employed in business offices, railways, elevator operators, ticket sellers and takers, porters at railway stations and warehouses, etc., theaters or other places of amusement and barber shops,

or in the distribution or transmission of merchandise, articles or messages, or in the distribution or sale of articles.

- (10) That section 170, article 12, relating to seats for women in mercantile establishments, be amended so as to include the providing of seats for females in all occupations where the work will permit.
- (11) That article 12 be amended to require employers to grant to female employees, rest periods of at least twenty minutes in the forenoon and in the afternoon, where the occupation requires females to stand constantly, and that similar rest or relief periods be permitted for female elevator operators.
- (12) That the provisions of section 151, *re* hours of labor for minors and women, should be amended so as to make it more definite regarding its application to restaurants.
- (13) The term "Employee" under section 2, article 1, of the Labor Law now reads as follows:

"The term employee means a mechanic, working-man or laborer who works for another for hire."

That subdivision should be amended so as to make its application to persons working in mercantile establishments, restaurants, etc., more definite.

- (14) That additional office force be provided for this division. This recommendation is very necessary to enable us to keep our office work in pace with the results accomplished by our field force. We are particularly in need of two filing clerks.

The following attachés of the division of mercantile inspection are now in the military service of the United States:

Joseph A. Burke, Clerk.

Sidney F. Willis, Inspector.

David F. Miller, Inspector.

The efficiency and faithfulness of our field and office force is evidenced by the amount of work accomplished by this division. The many years of faithful service given by these persons to this work merit an increase of salary, not only as an acknowledgement of their capability and loyalty, but to enable them to meet the demands of the greatly increased cost of living.

CHARLES B. ASH,
Chief Mercantile Inspector.

(3) REPORT OF DIVISION OF HOMEWORK INSPECTION

To the First Deputy Commissioner:

The following is respectfully submitted as the report of the Division of Homework Inspection for the year ending June 30, 1918.

The records filed show a considerable increase in the work of the division for this year compared with that of previous years. This fact is due directly to an increase of four inspectors assigned to this division at the beginning of the year, a fact which we most gratefully acknowledge. The increase in the inspection force has enabled us to go a little deeper into the field work. On July 1, 1917, the number of separate licensed buildings recorded was 15,883, including 240 licensed rear shops. These were all inspected once, and a second inspection was made of 4,225 licensed tenements, making a total of 20,108 inspections of buildings for the year. Observation work was also considerably extended, especially in up-State mill towns, as well as in certain congested sections in New York City. We were also able to extend patrol work in certain city localities in the interest of the child labor provisions of the law. Yet we are a long way from the performance of all the very evident duties imposed by Article 7 of the State Labor Law, relating to the regulation of tenement house work.

The conditions surrounding this class of work vary but little. Time works very little change in the character of homework or in homework conditions. Very few persons are found to engage in it from either choice or pleasure. Hard necessity is the general compelling cause. There is no real inducement to engage in it because of the price paid for performance of service — that is, so far as real factory work done in the home is concerned. The contracting employer, who gives out work to be done, does it either because he can save by it in more ways than one or because the particular work he sends out cannot be done by a machine in the shop. The worker must accept and do the work at the price

offered, and the price offered is nearly always dependent on the spirit of the employer or the necessity of his wants. The real value of the services rendered has no bearing at all. The worker will accept or reject the work just as necessity may demand. Here the employer has a free labor market; he does not have to deal with wage or price opposition of any kind, for there is no organized means among these workers for defending their wage interests. If some scheme could be molded into law looking to the wage protection of this class of workers it would be a far better move than to stop entirely this source of revenue to even a few thousand people in our State. Articles of clothing, flowers, lace, embroidery and gloves constitute a major portion of the so-called ready-made work found in the home.

When we cross the line of homework, from factory or ready-made work, and take up the conditions of the custom trade worker, we are confronted by a very different situation, so far, at least, as the individual worker is concerned. Here, as a rule, the worker is a real mechanic, tradesman, or at least must possess a fairly sound knowledge of the particular kind of services to be performed. His services, as a rule, are sought after, and in consequence he can in nearly all instances arrange the wages or price to be paid him for his services. This is true of the custom coat maker, pants maker, dressmaker, lace worker, embroiderer and glove maker, and in fact of any other class of employment in the so-called custom trade. In some lines the workers are fairly well organized. Employers have tried in some instances, notably in the men's clothing trade, to meet this condition by shop organization and the introduction of the team system of working, but have not been very successful. The individual requirements of the trade and the dislike because of an age-old homework custom of the workman against shop working conditions have been the greatest factor in the failure of this scheme. If custom work be closely separated from the so-called factory work found in the home, the greater number of homeworkers will be found to belong to the former class. A large majority of all homeworkers are found employed on articles of wearing apparel for both sexes and the greatest number of these work on outer garments only.

I have again to report an assault on two of our inspectors. This time the assault was aggravated and serious. I attach hereto and as a part of this report a detailed account of the assault and the court activities of the inspectors. In this case, considering all the facts, the court before whom the women making the assault were brought was lenient with the assailants, merely imposing a fine of \$5 on each. It is quite difficult to make foreign-born persons understand that any law can be a good law which seeks in any way to interfere with their right to earn a living, or any part of it, in this manner.

The following is a summarized account of work of the field force for the year beginning July 1, 1917, and ending June 30, 1918:

Total inspections of all applications for new licenses.....	3,964
Total inspections of licensed tenement houses.....	20,108
Licensed rear factory shops inspected.....	172
Number of licensed houses inspected in which no work was found at time of visit.....	7,635
Observation reports of unlicensed houses visited.....	4,104
Violations of law where tenement tag was used.....	464
Number of violations of law referred to counsel.....	102
Number of convictions under Section 100.....	87
Amount of fines imposed.....	\$880
Number of children under sixteen years of age found illegally at work in the home.....	612
Number of complaints investigated.....	249
Total number of apartments visited and inspected.....	274,464
Number of apartments in which work was found.....	16,460
Number of persons found at work in licensed tenement houses.....	31,326
Total of all orders issued.....	5,049
Compliance secured with same.....	4,923
Number of visits made to secure compliances.....	9,361
Time spent in court in prosecutions, hours.....	596½
Number of licenses cancelled.....	2,306
Licenses revoked for sanitary reasons.....	120
Number of applications cancelled after investigation.....	128
Number of applications pending and not investigated, end of year.....	29

In setting down the number of children found illegally at work I have not included in the figures 42 children found employed in dwelling houses or non-tenements, over which we have no legal control; this would make the total number of children found 654.

The sex of the children was given as:

Number of females.....	519
Number of males.....	93

The ages of the children found at work ranged from four to fifteen and one-half years. Additional information regarding children is as follows:

Found at work and attending school.....	583
Working and not attending school.....	29
Found working before school hours.....	205
Found working during noon time.....	131
Found working between 3 and 6 P. M.....	212
Found working between 6 and 8 P. M.....	64
Found working after 8 P. M.....	None

The record shows that these children were employed on the following articles:

Articles of clothing, mostly adults' wear.....	265
Embroidery.....	109
Children's wear.....	16
Flowers and feathers.....	160
Articles of miscellaneous use.....	62
Number of children found employed in New York City.....	604
Number of children found employed up-State.....	8

It may be of some interest to state that of all children found working in the home all were of the Italian race except 56.

A complaint was received from the Board of Health of the city of Amsterdam shortly after the closing of the public schools for the summer. This complaint was fully investigated by one of our inspectors. No tenement house violations were discovered, but a number of children were found at work carding buttons in dwellings or non-tenement houses. Of course, we have no legal power to enter or interfere in any way with any employment or other acts done by persons residing in this class of houses. The inspector entered them, however, and made investigations to ascertain the facts, and used moral suasion with the manufacturers who were found giving out work to agree not to supply work to any woman living in a dwelling house and who allowed or forced her little ones to help her with the work. The employers appealed to, when the facts were laid before them, willingly adopted the suggestions of the inspector, and as a result the practice of working the children was promptly checked. The inspector was accompanied on her visitations by a nurse from the office of the Health Department.

The number of licenses outstanding on June 30, 1918, was 17,175. New licenses were issued during the year to 3,718 separate tenement houses. Of this number New York City received 3,479 and up-State localities 239. The number of these houses that were denied a license for sanitary reasons was 102.

In our report for 1917 the records show that the number of non-tenement houses visited and in which factory work was found in progress was 9,100. Our records for the present year show that there were 2,419 additional houses of this class wherein factory work was being done, making the total of dwellings or non-tenement houses 11,519. The record shows 2,419 houses to be located in the following places:

Albany, 231; Bath, 2; Binghamton, 12; Candor, 10; Canastota, 35; Corning, 43; Dunkirk, 61; Elmira, 21; Hornell, 53; Johnson City, 13; Ithaca, 12; Mt. Vernon, 34; New Rochelle, 61; Newburgh, 4; Niagara Falls, 61; Oswego, 100; Poughkeepsie, 236; Rochester, 42; Syracuse, 100; Troy, 76; Utica, 108; Weedsport, 20; Wellsville, 9; Westchester, 8; Yonkers, 48; New York City and suburbs, 1,019. These additional dwelling houses were found in the same manner as formerly reported, that is, from manufacturer's list of outside workers.

These figures abundantly bear out my contention that there is more work done in the dwelling houses in this State, than there is in the tenements. As before stated, these places are not specially sought out for the reason that the law entirely exempts them from its operation. They were discovered by the inspectors while verifying manufacturers' lists. In my opinion the scope of the law should be so broadened that we would have the legal right when necessary to protect the public from dirt and disease coming from the home in dwelling houses as well as when coming from tenement houses. We should also have the legal right to deal with the child labor question whenever and wherever abuses were met with in such places. New York City has its tenements in abundance. Every other city or village in the State has its dwelling houses in greater abundance.

The total number of notices issued under provisions of sections 101, 105 and 106 was 6,568.

The total number of factory permits outstanding on June 30, 1918, was 2,881. Permits issued during year, 584; permits cancelled for various causes, 280; permits revoked, 19. These factory permits are distributed throughout the State as follows: Manhattan, 1,874; Bronx, 92; Buffalo, 46; Brooklyn, 645; Queens, 9; Richmond, 1; Albany, 41; Amsterdam, 3; Gloversville, 10;

Johnstown, 4; Rochester, 129; Syracuse, 8; Troy, 4; Utica, 4; Westchester, 2; Binghamton, 2; Corning, 1; Oswego, 1; Poughkeepsie, 3; Schenectady, 1; Yonkers, 1. The number of permits outstanding on July 1, 1918, was 2,326. The net increase of permits for the year is 285.

Fifteen cases of disease were reported by the inspectors during the year, only three of which were found in rooms in which work was going on. In all matters of this character we must be guided in our actions by the rules of the Board of Health in its treatment of disease cases whether severe or otherwise.

The activities of the office force in caring for the clerical part of the work of the division is in some measure indicated by the fact that 16,018 separate pieces of mail matter were sent out during the year.

The value of observation field work is reflected by the following facts. This year the inspectors filed 4,194 reports of visits made by them to houses not licensed but which they had reason to believe were being used by tenants contrary to the provisions of section 100. In 704 of these houses they found work going on. The work reported was mostly of the custom class tailors, ladies' tailors, dressmakers, millinery shops. Little or no real factory work was found. What was found consisted of lace work, embroidery, toilet articles, etc.

In the sections of New York City where articles are sent out in comparatively large quantities by factories to homeworkers, we find very few law violations in tenement houses that are not recorded in our license files. Manufacturers and contractors are quite thoroughly educated as to the requirements of the law and will not give out work illegally. The frank attitude of the manufacturing employer is well reflected in the following letter from a very large concern in the ready-made waist line:

NEW YORK,, 1918.

Department of Labor, 230 Fifth Ave., New York City:

DEAR SIR:—We have before us your letter of the 18th and note your remarks concerning Miss Mary of Street.

This matter has been called to our attention by your Department and the proper notations made.

We at all times stand ready to co-operate with you and we thank you very kindly for calling our attention for this failure to comply with the law.

We will see to it that this matter does not occur again.

Yours very truly,

THE WAIST CO.

The greatest trouble we encounter is with the contractor, especially with the small new ones. They do not know anything about the law and care less. They engage in any line of work that appeals to them. Just to try it, they may go along for a couple of weeks or a couple of months, but unless they find that the job pays they won't stay at it very long. They send out goods and pay no attention to law or other legal objections. These are the ones who make good use of the free labor market of the tenement house kind. We find their goods in the poorest places. The workers won't tell, when approached, who they got the work from. The articles are tagged and seized. The employer or owner of the seized goods won't reveal himself, so the goods are left on our hands. I have disposed of large quantities of articles (over one hundred packages) of dolls' wear and children's articles of clothing to the hospital for crippled children and charitable institutions where children are cared for, under the provision of section 102 which gives us the right to "destroy" all such goods if not called for within one month after being so tagged and seized. The last sentence in section 102 reads as follows: "Unless the owner or person entitled to the possession of an article so seized shall provide for the disinfection or cleaning thereof within one month thereafter it may be destroyed."

In the number of people who engage in this work, we find that the Italians, Jewish, Germans and Americans still form the greatest bulk of the homeworkers. The records show thirty-six different races engaged in this class of work, among them 13,965 Italians, 6,979 Jews, 1,642 Americans, 902 Germans, 273 Greeks, 223 Poles, 261 Negroes. These are the largest single groups. The other twenty-nine races are grouped from 1 up to 157.

The troublesome violations of outside hands in living apartments is gradually growing less. The number of violations of this character found are almost entirely among the custom trade workers, dressmakers, ladies' tailors, men's tailors, etc. The violations of this character found on factory work is negligible.

The force working under my direction have been constant and faithful and I do not hesitate to recommend them accordingly.

DANIEL O'LEARY,

Chief, Division of Homework Inspection.

ASSAULT UPON INSPECTORS SEYMOUR AND REYNOLDS

A very bad condition was discovered by Inspector Seymour in the east side Harlem section which was very difficult to handle. There seemed to be a secret understanding between the employers and the workers in this section. No information could be obtained of a responsible character. The employer denied giving out work, and the workers refused to divulge the name of the person they got the goods from. I had Inspector Seymour take one woman, Sylvia DeToris, to court under subdivision 2, section 43, but the court (Judge Appleton) refused to hold her, saying he did not see that the woman had been guilty of any offense in refusing to answer the questions of the inspector. In addition to her refusal to answer proper questions, the woman had seriously assaulted Inspector Seymour (see record in counsel's hands), striking her with a hatchet, breaking her eye-glasses and otherwise maltreating her. Counsel (Mr. Hughes) made a determined effort to secure a conviction in this case, filing a lengthy brief on the law and the facts, but he was overruled. It was after this decision by Judge Appleton, that I ordered Inspector Reynolds to go to the assistance of Inspector Seymour and clean up the section. The inspector's report here follows:

At your request, I herewith present a statement of the facts in connection with the DeToris matter, so far as I have personal knowledge of same.

On February 18, 1918 (shortly after Mrs. Sylvia DeToris had been acquitted by Judge Appleton, of the charge of violating Section 43, Subdivision 2, of the Labor Law, in severely assaulting Inspector Seymour while in the performance of her duty), I was directed by you to go to Harlem and assist Mrs. Seymour in trying to put a stop to the flagrant and wilful violation of the law by the employer or employers responsible for giving the work to Mrs. DeToris and her sister, Mrs. Teresa DeToris.

At the time of the assault on Inspector Seymour, Mrs. DeToris was living at 509 East 118th St. We went to that house and found that she had moved, without leaving any address. However, we traced one of her children to school and found out from the school that she was living at 2206 Second Ave.

About 1 p. m. we went to that address, which is a tenement house of four stories, with one family on a floor. Mrs. DeToris lives on the top or fourth floor. Her apartment extends the whole length of the house and has four doors opening from the public hall. We ascended the stairs quietly and listened at the rear door of the DeToris apartment. We could plainly hear some one running a sewing machine. (We found after entering, that Mrs. DeToris had three sewing machines in her apartment.)

After listening a few minutes, we rapped on the door. Mrs. DeToris answered and asked who was there. We told her that we were the tenement

Inspectors from the Labor Department. She said that we could not come in. We then told her that unless she opened the door we would be compelled to get a policeman and force our way in. She then said for us to wait and she would let us in. We then heard her running through the apartment from the front to the rear. I looked through the keyhole in the door of the front room and saw on the floor a large pile of children's dresses, a very large bundle containing dozens, and I could see Mrs. DeToris come in the front room and gather up her arms full of them, and I could hear her take them into one of the middle rooms. She repeated that act many times until she had taken them all from the front room. We could then hear her close and lock a door or cover that sounded like a trunk or chest.

She then let us in. We told her again who we were (although she was well aware of Mrs. Seymour's identity, as Mrs. Seymour had already had her in court, as stated above) and we told her that all we wanted was the name of the firm for whom she was making the baby dresses. She was from the start very defiant and very impudent. At first she denied that she was doing any work at all and ordered us to leave the apartment. I replied that we would leave at once if she would tell us the name of the shop for which she was working.

She refused, and began to push me, trying to get me out of the apartment. When I refused to move, she struck and kicked me repeatedly. In spite of this, Inspector Seymour and I began to search for the goods, looking under the beds and in the closets, although I was very confident that they were in a big heavy and very strong wooden chest, fastened with an immense iron padlock, which chest was evidently what we heard her close when we were listening at the door.

Finally in the drawer of a sideboard in the dining room, I found a bundle of several dozen baby dresses, partially made and apparently all of the same size. Before I could seize them, Mrs. DeToris began screaming terribly and jumped on my back. Just then Mrs. D'Iorio rushed in and began also to kick and strike me. I desisted from my efforts to seize the goods, and tried to talk to Mrs. D'Iorio, explaining who we were and our business there. She absolutely would not listen to me and ordered us out. Her reasons for doing this were very evident. She is the landlady of the house (she lives on the second floor) and she feared that if we stopped Mrs. DeToris from working, she might and probably would lose a tenant.

I again refused to leave without the goods unless they would tell us the name of the factory. Then both women attacked Inspector Seymour and myself with the most violent fury. Mrs. Seymour was kicked with great force in the stomach and struck repeatedly and her eye glasses were broken. Mrs. D'Iorio then pushed her out of the room and tried to throw her down the stairs, and nearly succeeded in doing so. Mrs. Seymour broke away from her grasp and ran to the street to try and find a policeman. She hunted for half an hour or more and did not find one, and finally had to phone to headquarters. It was about an hour or more before one finally arrived.

In the meantime, after Inspector Seymour had left, both women continually assaulted me and I defended myself as best I could without hurting them, as I did not want to injure them in any way. They threw a milk bottle at me which struck me on the lip, and a plate, which struck me on the temple. Mrs. D'Iorio bit me severely on the right hand and afterwards hit me over

the head with a heavy cut-glass vase about two feet high. The fact that I had on a large felt hat possibly saved my life.

She also seized a carving knife and tried to stab me with it, but did not succeed in doing so. Finally she went out in the hall for a moment.

While she was gone, I saw an opportunity and seized the bundle of dresses in the drawer. As I did so, Mrs. DeToris jumped on my back and began striking me and screaming. Mrs. D'Iorio ran in and helped her. Mrs. DeToris bit me on the left wrist. Then they both grabbed the dresses, but I held on until Mrs. D'Iorio again tried to hit me on the head with the vase, and I was forced to relinquish my hold on the bundle in order to protect myself. Mrs. D'Iorio seized it and ran out of the room and down stairs to her apartment with it. Then she returned and they both started to attack me again.

Finally, after about two hours, a policeman arrived. When he came, Mrs. D'Iorio ran down stairs and Mrs. DeToris jumped on the bed, saying she was sick and pretending that she was in hysterics. The policeman endeavored to get her to tell for whom she was working. She then admitted that she was working for a factory, but claimed she did not know where it was, as she said that she got the work from her sister, who got it from the factory. (Inspector Seymour had previously seized several dozen similar dresses from the sister, who claimed she did not know where the factory was and said she got them from Mrs. DeToris.)

About this time, several of Mrs. DeToris's children came home from school and they told the same story (evidently they had been carefully coached before hand) that their aunt gave the goods to the mother. They said the aunt did a great deal of work, making as much as \$25.00 a week, and that she usually got the work from the factory very early in the morning before breakfast or after eight or nine in the evening, and that she always kept her door locked and that her children had to give a certain signal or ring the bell a certain number of times or she would not open the door, and that she had a place to hide the goods where no one could find them.

Mrs. DeToris continued to scream and carry on and after a while sent for a physician. When he arrived he examined her and told us that she was perfectly all right except for being hysterical. We explained the situation to him, and said that all we wanted was the name of the factory. He talked with her in Italian and she told him she did not know the address but promised that she would find it out and tell us the next day. We then left, and as we passed Mrs. D'Iorio's apartment she came out and followed us down stairs. When she was sure that we were out of the hearing of Mrs. DeToris, she told us that the factory was on the corner of East 107th St. and First Ave. She did not know the name but said she would try and get it for us the next day or so. We, therefore, visited the house a few days later and Mrs. DeToris said that her sister would not tell her where the shop was. Mrs. D'Iorio said that Mrs. DeToris refused to give her the exact address.

I later took the facts to counsel who refused to bring an action against the women under Section 43 of the Labor Law and advised us to go to a Police Magistrate. We went to the Harlem Police Court and asked for a warrant, which the clerk willingly made out. Judge Ten Eyck, however, refused to sign it and said I could get a summons.

After I had consulted with counsel, the clerk of the court, at my request, went to the Judge again and asked him for a warrant, as he said it would be

dangerous for me to serve a summons. The Judge again refused and said I could take a policeman with me. The next day, taking a policeman, we served summonses on both women. Mrs. D'Iorio tore her's up, swearing fearfully, and would have attacked me if the policeman had not forcibly prevented her.

After hearing the case, Judge Ten Eyck found both women guilty and fined each \$5.00. On leaving the court, both women talked in Italian to Angelo DeVito, who was with us, and made some terrible threats to him. They waited at the outer door for us to come out, but DeVito would not let us go out as he said they would undoubtedly injure us. Finally we were forced to send a policeman, who drove them away from the door. When we did go out, they cursed us and thumbed their noses at us.

A few days later I had a talk with the landlord of the house, where Mrs. DeToris had previously lived on East 118th St. when Inspector Seymour seized the goods in her apartment, and he said that Mrs. DeToris told him that she had been obliged to pay for the goods Mrs. Seymour had seized, but she said she did not care for that, as they did not amount to much, but that if Inspector Seymour had seized all the goods she had in the apartment at the time, it would have taken her a year to pay for them. He also said that he had frequently seen one of Mrs. DeToris's children bringing the goods to the house in a baby carriage.

I mention this as corroborating proof of the fact that there is no doubt of the work having been done for a factory, although the court stated that he did not believe it. As further evidence of the disinclination of the court to uphold the enforcement of Section 43 of the Labor Law, I will state that some time later, we found some baby coats in the apartment of a woman living in an unlicensed tenement house. We had watched the woman's husband coming out of the baby coat factory with the bundle of coats and had followed him to this apartment. Later we entered the apartment and found the woman working on the coats. She absolutely refused to tell us the name of the owner of the coats and I took her to court under Section 43. In spite of the fact that she admitted in court that the work was done for a factory and that we had followed her husband home from the factory with the goods and that she had absolutely refused to tell us the name of the owner and had dared us to take her to court, the Judge said he could not see that she had committed any crime and he found her not guilty.

As a result of the DeToris affair, I undertook, at your direction, a clean-up campaign in this district (the east part of Harlem), and during the two months subsequently, I took fifty-one employers to court for violations of the Labor Law. In every case, except the one mentioned above, I succeeded in having the defendant found guilty, but in all except three of these cases the defendant pleaded guilty, so that the cases did not have to be tried and, therefore, the court had not opportunity to pass judgment on them.

G. E. REYNOLDS.

(4) REPORT OF DIVISION OF INDUSTRIAL HYGIENE

To the First Deputy Commissioner:

On July 1, 1917, the division entered upon its fourth year of work. The volume of work performed shows a marked increase in the aggregate above other years, with particular reference to physical determinations, the greater number of which were performed as light measurements made in the field, for the use by members of the committee on lighting of mercantile establishments and factories.

Special inspections made in connection with the cloth-sponging industry necessitated the issuance of eighty-eight orders, the major portion of which were complied prior to the close of the fiscal year.

OCCUPATIONAL DISEASES

The time of the three medical inspectors was taken up in the investigation of trade or occupational diseases reported to the Commission, in accordance with section 65, article 6, of the Labor Law; in the conducting of physical examinations in connection with the survey of special trades and processes, and in conducting physical examinations of women, who on account of war were replacing men in industry as fast as sanitary factory conditions could be arranged for them and as quickly as they could be taught to take the places of the men; also in assisting the inspection bureau in solving problems relating to ventilation; by investigating the physical condition of the people working in these places so as to determine whether they had been physically affected by the material supposed to be the harmful agent.

PLANS FOR VENTILATION SYSTEMS

All plans for removal of dust, fumes, vapor, heated air, and plans for general ventilation received by the department were submitted to the division for approval. Before such plans were approved visits were made to the factories or mercantile establishments with a view toward noting point of discharge, character of work to be performed by the system and the general condition of factory. By this means the manufacturer received the benefit

of experience of the division by suggested changes before erecting the system. Considerable cost was saved and more effective systems were installed by following the suggestions of the plan examiners besides a saving of time and in full compliance with orders issued.

THE LABORATORY

Additional room is urgently needed on account of the crowded condition of this room, as members connected with the division are obliged to prepare reports, examine plans of exhaust and ventilation systems, prepare statistical tables, look up references, keep records and files, adjust and repair instruments and conduct chemical and physical determinations, while at the same time medical inspectors are called upon to conduct physical examinations of persons who are afflicted with occupational diseases and who come to the division for information and advice and who cannot be examined in the factory in which they work.

A number of accidents and explosions were investigated both in the city of New York and up-State, in order to determine the cause and remedy conditions where the law applied to prevent recurrence.

Notable among these was an explosion which occurred in a chemical factory in which serious damage was done, accompanied by loss of life, the cause of which was traced to a leak or break in the tubes of the condenser. Water was sucked into the tube creating steam and destroying the contents of the furnace. While our present law does not cover the inspection of devices of this kind, it shows the necessity of the code for the chemical industry which is now being prepared, in which the hearty co-operation of the chemical trade of the State is being obtained.

At all of the meetings and hearings held by committees on Special Trades and on Lighting, the chemical engineer was present. The information gained in having conducted special investigations of many processes in which many unsafe practices had been found became of special importance and aid to the committees.

INVESTIGATION OF SPECIAL TRADES AND PROCESSES

During the year an investigation was conducted in factories where wood alcohol was manufactured and purified, also in places where it was used as a solvent for gums, varnishes, paints and dyes.

Special Bulletin Number 86 was published by the department as a result of this survey in which a few simple rules were suggested to guard against wood alcohol poisoning. These were considered by the code committee on special trades to be drafted into code rules.

An investigation was made of the cloth-sponging industry, as a result of complaint that employees were constantly enveloped in steam while at work sponging the cloth. Spotting of the cloth during the process of shrinking resulted in condensation, the water of which dripped from the ceilings, beams and hoods above the steam rolls and boxes. After several months of investigation and experimentation the problem was solved, resulting in the publication by the department of Special Bulletin Number 89, in which the solution of the steam control is pointed out. Other reports prepared by the medical staff of the division were those relating to "women in industry" and occupational diseases in which valuable suggestions and information were given after diligent research on the part of the physicians.

INDUSTRIAL SAFETY CONGRESS EXHIBIT

In connection with the second Industrial Safety Congress, held in December, 1917, under the auspices of the State Industrial Commission, the division prepared 110 frames of uniform size containing charts, aphorisms, cards used by the department in making inspections, photographs of sanitary and insanitary conditions, machine guards, safe and dangerous practices, all of which were displayed for educational purposes at the Congress. These units form a nucleus of a permanent exhibition which may be added to for other exhibits or congresses. A number of the photographs taken have been reproduced as half tones in bulletins prepared by the division. They have also been used to familiarize inspectors with safety devices.

ROUTINE WORK

Besides the work referred to, 180 matters were assigned to the division for determination, containing certain orders relating to ventilation, eating in workrooms, lighting, etc. By means of chemical analyses, physical examinations and physical determinations it was an easy matter to either sustain or disapprove the order or statements in question. A total of 94 chemical determinations were made.

RECAPITULATION OF WORK OF THE DIVISION, JULY 1, 1917, TO
JUNE 30, 1918

Physical determinations	10,406
(Including light measurements, photographic work, temperature and humidity readings and aerodynamic tests, etc.)	
Chemical tests and examinations in field and laboratory.....	94
Medical inspections	1,145
Physical examinations	598
Special inspections	88
Special investigations	2,657
Complaint investigations	10
Compliance visits	303
Bulletins published	2
Bulletins in preparation.....	3
Orders issued	196
Conditions corrected otherwise.....	5
Compliance with orders (including 186 compliances with orders issued before July 1, 1917).....	298
Occupational diseases investigated.....	583
Cases reported	359
Cases detected	224

JOHN H. VOGT,
Chemical Engineer in Charge of the Division.

(5) STATISTICS OF INSPECTION

(Compiled by the Bureau of Statistics and Information)

Factory Inspection

1. Work of factory inspectors.
2. Work of factory inspectors from July 1, 1917, to June 30, 1918, by supervising districts.
3. Orders issued by the Division of Factory Inspection in year ended June 30, 1918.
4. Compliances with orders reported by the Division of Factory Inspection from July 1, 1917, to June 30, 1918.
5. Orders issued by the Division of Industrial Hygiene and reported compliances therewith from July 1, 1917, to June 30, 1918.
- 6-A. Prosecutions for violations of the Labor Law in factories.
- 6-B. Prosecutions for violations of the Labor Law in factories (concluded).
7. Violations of the Labor Law in factories referred to counsel without issuance of orders in year ended June 30, 1918.
8. Cases for prosecution referred by the Division of Factory Inspection to district attorneys, and disposition thereof, in year ended June 30, 1918.
9. Children found illegally employed in factories in year ended June 30, 1918.
10. Children for whom proof of age was demanded in factories in year ended June 30, 1918.
11. Children found at prohibited employment in factories in year ended June 30, 1918.
12. Children 14 to 16 years of age found employed in factories in New York State in year ended June 30, 1918.
13. Illegal hours or prohibited employment of women or male minors, or violations of day-of-rest law in factories in year ended June 30, 1918.
14. Complaints alleging violation of the Labor Law in factories, investigated in year ended June 30, 1918.

Homework Inspection

15. Work of homework inspectors.
16. Licensing of tenements in year ended June 30, 1918.
17. Registers of outside workers.
18. Permits to factory owners to send work to tenements.
19. Orders issued by the Division of Homework Inspection and reported compliances therewith from July 1, 1917, to June 30, 1918.
20. Children found illegally employed in licensed tenement living rooms in year ended June 30, 1918.

Mercantile Inspection

21. Work of mercantile inspectors, by kinds of work.
22. Work of mercantile inspectors, by localities.
23. Orders issued by the Division of Mercantile Inspection in year ended June 30, 1918.
24. Compliances with orders reported by the Division of Mercantile Inspection from July 1, 1917, to June 30, 1918.
25. Prosecutions for violations of the Labor Law in mercantile establishments.
26. Violations of the Labor Law in mercantile establishments referred to counsel without issuance of orders in year ended June 30, 1918.
27. Cases for prosecution referred by the Division of Mercantile Inspection to district attorneys, and disposition thereof, in year ended June 30, 1918.
28. Children found illegally employed in mercantile establishments in year ended June 30, 1918.

29. Children for whom proof of age was demanded in mercantile establishments in year ended June 30, 1918.
 30. Children 14 to 16 years of age found employed in mercantile establishments.
 31. Illegal hours of women or male minors, or violations of day-of-rest law in mercantile establishments in year ended June 30, 1918.
 32. Complaints, alleging violation of the Labor Law in mercantile establishments, investigated.

Industrial Diseases

33. Industrial diseases reported under section 65 of the Labor Law.

Employment Certificates

34. Summary of child labor certificates reported issued in year ended June 30, 1918.

Table 1 — WORK OF FACTORY INSPECTORS

KIND OF WORK	YEAR ENDED JUNE 30, 1918			Twelve months ended June 30, 1917
	First Inspection District	Second Inspection District	Total State	
Number of regular inspections of:				
Factories occupying whole buildings	8,128	12,425	20,553	19,291
Tenant factories	38,356	5,107	43,463	39,118
Bakeries	70	1,373	1,443	1,589
Total	46,554	18,905	65,459	59,998
Number of special inspections (with or without orders)				
Number of complaint investigations	1,736	280	2,016	2,539
Number of building surveys	31,712	18,114	49,826	37,045
Number of special investigations	6,489	1,544	8,033	10,467
Number of employees at time of inspection	819,426	644,785	1,464,211	1,407,328
Number of compliance visits:				
First visits	28,027	9,992	38,019	44,457
Subsequent visits	31,789	13,486	45,275	47,606
Total	59,816	23,478	83,294	92,063
Number of tagging cases (exclusive of "assisting"):				
Section 95 (unclean factories).....	989	.....	989	1,152
Section 114 (unclean bakeries).....	6	8	14	14
Section 81 (dangerous machinery)..	861	72	933	624
Section 19 (scaffolds) .....	.....	3	3	8
Total	1,856	83	1,939	1,798
Number of department office calls	5,731	790	6,521	8,359
Number of factory information calls....	7,620	1,077	8,697	
Number of factories found closed or vacated	*	2,663	2,663	

* Not reported.

Table 2 — WORK OF FACTORY INSPECTORS FROM JULY 1, 1917, TO JUNE 30, 1918, BY SUPERVISING DISTRICTS

KIND OF WORK	FIRST INSPECTION DISTRICT					Super- visors	Total
	First Super- vising District	Second Super- vising District	Third Super- vising District	Fourth Super- vising District	Fifth Super- vising District		
Number of regular inspections of:							
Factories occupying whole buildings.....	3,487	1,088	376	567	2,610	.....	8,128
Tenant factories.....	6,377	8,587	8,530	8,253	6,529	.....	38,356
Bakeries.....	.....	.....	.....	.....	70	.....	70
Total.....	9,864	9,775	8,906	8,800	9,209	.....	46,554
Number of special inspections (with or without orders)...	7,136	1,421	3,583	3,708	2,874	48	18,770
Number of complaint investigations†.....	235	362	509	374	223	18	1,786
Number of special investigations.....	793	1,887	795	1,177	572	1,265	6,489
Number of employees at time of inspection.....	195,399	160,759	168,293	166,089	129,886	.....	819,426
Number of building surveys:							
Surveys of whole buildings and tenant factory bldgs.	5,016	3,977	2,078	2,374	4,919	.....	18,364
Surveys of miscellaneous buildings.....	2,861	546	847	1,160	2,333	.....	7,747
Surveys of buildings in which there was no manufac- turing.....	90	2,982	431	537	1,561	.....	5,601
Total.....	7,967	7,505	3,356	4,071	8,813	.....	31,712
Number of compliance visits:							
First visits.....	5,318	8,146	5,886	5,459	3,195	23	28,027
Subsequent visits.....	5,503	10,912	4,614	7,522	2,573	665	31,789
Total.....	10,821	19,058	10,500	12,981	5,768	688	59,816
Number of tagging cases (exclusive of "assisting"):							
Section 95 (unclean factories).....	56	458	376	65	34	.....	989
Section 114 (unclean bakeries).....	.....	.....	.....	.....	6	.....	6
Section 81 (dangerous machinery).....	9	397	407	34	14	.....	861
Section 19 (scaffolds).....	.....	.....	.....	.....	.....	.....	.....
Total.....	65	855	783	99	54	.....	1,856
Number of department office calls.....	1,064	1,450	1,356	877	984	.....	5,731
Number of factory information calls.....	2,034	1,905	1,751	1,090	840	.....	7,620
Number of factories found closed or vacated.....	.....	.....	.....	.....	.....	.....	.....

† See Table 14, which shows the number of communications alleging violation of the Labor Law in factories, and the number and classification of items contained in the complaints.

‡ Not reported.

Table 2 — WORK OF FACTORY INSPECTORS FROM JULY 1, 1917, TO JUNE 30, 1918, BY SUPERVISING DISTRICTS — (Concluded)

KIND OF WORK	SECOND INSPECTION DISTRICT					
	Sixth Super- vising District	Seventh Super- vising District	Eighth Super- vising District	Ninth Super- vising District	Super- visors	Mine Inspector
Number of regular inspections of:						
Factories occupying whole buildings.....	3,255	3,423	2,325	3,384	.....	*38
Tenant factories.....	1,318	944	1,316	1,529	.....	.....
Bakeries.....	569	311	242	281	.....	.....
Total.....	5,142	4,678	3,883	5,164	.....	*38
Number of special inspections (with or without orders).....	1,544	191	2,448	784	8	.....
Number of complaint investigations.....	59	53	62	89	17	.....
Number of special investigations.....	119	321	104	492	508	.....
Number of employees at time of inspection.....	193,732	154,852	120,466	175,735	.....	.....
Number of building surveys:						
Surveys of whole buildings and tenant factory buildings.....	3,882	3,968	2,916	3,706	.....	*35
Surveys of miscellaneous buildings.....	918	543	509	974	.....	.....
Surveys of buildings in which there was no manufacturing.....	24	9	64	517	.....	.....
Total.....	4,824	4,510	3,488	5,287	.....	*35
Number of compliance visits:						
First visits.....	3,148	2,279	1,687	2,878	.....	.....
Subsequent visits.....	3,718	3,226	1,598	4,184	816	.....
Total.....	6,866	5,504	3,280	7,012	816	.....
Number of tagging cases (excl. of "assisting"):						
Section 6 (unclean factories).....	.....	.....	.....	.....	.....	.....
Section 114 (unclean bakeries).....	.....	7	.....	1	.....	.....
Section 81 (dangerous machinery).....	3	50	.....	18	1	.....
Section 19 (scaffolds).....	.....	1	.....	2	.....	.....
Total.....	3	58	.....	21	1	.....
Number of department office calls.....	186	126	97	381	.....	.....
Number of factory information calls.....	176	217	206	366	113	.....
Number of factories found closed or vacated.....	504	560	993	636	.....	.....
Total.....	866	903	1,206	1,383	.....	.....
Number of factory inspections in connection with mines and quarries. † See Table 14, which shows the number of communications alleging violation of the Labor Law in factories, and the number and classification of items contained in the complaints.	.....	.....	.....	.....	.....	.....

* Factory inspections in connection with mines and quarries.

† See Table 14, which shows the number of communications alleging violation of the Labor Law in factories, and the number and classification of items contained in the complaints.

Table 3 — ORDERS ISSUED BY THE DIVISION OF FACTORY INSPECTION IN
YEAR ENDED JUNE 30, 1918

SUBJECT OF ORDERS	NUMBER OF ORDERS ISSUED IN —		
	First Inspection District	Second Inspection District	Total State
I. Administration	30,327	4,697	35,024
1. Posting of laws, permits, notices, etc.....	30,261	4,679	34,940
2. Keeping of records, registers, etc.....	66	18	84
4. Interfering with inspector.....	.....	.....	.....
II. Sanitation	38,260	10,318	48,578
1. Toilet facilities:			
a. Water closets.....	21,093	5,467	26,560
b. Wash rooms (including personal cleanliness).....	3,815	1,103	4,918
c. Dressing rooms.....	5,133	523	5,656
2. Cleanliness or repair of workrooms, halls, etc.....	7,050	1,836	8,886
3. Ventilation, heat and humidity:			
a. General.....	22	55	77
b. Removal of dust, fumes, etc.....	925	756	1,681
4. Lighting.....	92	19	111
5. Meals.....	28	356	384
6. Drinking water and drinking cups.....	102	203	305
7. Sanitation of living quarters.....	.....	.....	.....
III. Accident Prevention	17,517	22,208	39,725
1. Elevators and hoistways.....	234	3,054	3,288
2. Machinery (including vats, pans, etc.).....	15,476	16,801	32,277
3. Switchboards.....	251	406	657
4. Stairs, platforms, pits, floors, etc. (including repairs).....	881	1,806	2,687
5. Lighting to prevent accidents.....	675	141	816
IV. Fire Protection	822	5,200	6,022
1. Structural conditions:			
a. Number of exits.....	5	914	919
b. Doors, doorways and windows.....	10	709	728
c. Stairways.....	1	215	216
d. Fire escapes.....	.....	76	76
e. Partitions.....	.....	3	3
f. Openings.....	.....	20	20
g. Other or general.....	.....	16	16
2. Clear means of egress.....	789	1,021	1,810
3-a. Fire alarms.....	1	192	193
3-b. Fire drills and records.....	1	321	322
4. Waste and other inflammable materials.....	2	601	603
5. Gas jets.....	.....	26	26
6. Smoking.....	1	995	996
7. Sprinklers.....	.....	.....	.....
8. Number of occupants.....	3	29	32
9. Fire escapes other than structural conditions.....	.....	48	48
10. Fire extinguishers.....	.....	14	14
V. Children	1	3	4
2. From 14 to 16 years:			
c. Prohibited occupations.....	1	3	4
VI. Women and Male Minors	81	66	147
1. Hours.....	.....	37	37
2. Prohibited occupations.....	.....	5	5
3. Employments after childbirth.....	.....	.....	.....
4. Seats for women.....	81	24	105
VII. Day of Rest	2,910	273	3,183
VIII. Miscellaneous	2,437	392	2,829
1. Payment of wages.....	22	42	64
3. First aid appliances.....	2,414	350	2,764
4. Screens for stairs.....	1	.....	1
Total	92,355	43,157	135,512

NOTE—See Table 5 for factory orders issued by the Division of Industrial Hygiene.

Table 4 — COMPLIANCES WITH ORDERS REPORTED BY THE DIVISION OF FACTORY INSPECTION FROM JULY 1, 1917, TO JUNE 30, 1918

SUBJECT	NUMBER OF COMPLIANCES REPORTED —						
	IN FIRST INSPECTION DISTRICT ON ORDERS ISSUED —			IN SECOND INSPECTION DISTRICT ON ORDERS ISSUED —			IN TOTAL STATE ON ORDERS ISSUED —
	Prior to July 1, 1917	Between July 1, 1917, and June 30, 1918	Total	Prior to July 1, 1917	Between July 1, 1917, and June 30, 1918	Total	
I. Administration.							
1. Posting of laws, permits, notices, etc.	11	30,324	30,335	18	4,687	29	35,040
2. Keeping of records, registers, etc.	5	30,261	30,266	6	4,675	11	34,947
4. Interfering with inspector.	6	63	69	12	12	18	93
II. Sanitation.	6,318	35,866	42,184	4,484	7,923	10,802	54,591
1. Toilet facilities:	3,328	19,931	23,259	2,242	4,227	5,570	29,728
a. Water closets.							
b. Wash rooms (including personal cleanliness).	1,031	3,211	4,242	713	802	1,515	5,757
2. Cleanliness or repair of workrooms, halls, etc.	717	4,957	5,674	287	399	1,004	6,360
3. Ventilation, heat and humidity:	864	6,947	7,711	651	1,484	1,515	9,846
a. General.	9	18	27	23	32	32	52
b. Removal of dust, fumes, etc.	332	688	1,020	301	493	633	1,814
4. Lighting.	8	90	98	4	12	16	114
5. Meals.	5	25	30	38	342	380	410
6. Drinking water and drinking cups.	24	99	123	225	132	249	480
7. Sanitation of living quarters.							
III. Accident Prevention.	3,551	16,235	19,786	10,468	17,211	14,019	47,465
1. Elevators and hoistways.	119	222	341	2,069	2,380	2,188	4,740
2. Machinery (including vats, pans, etc.).	3,062	14,303	17,365	7,409	12,908	10,471	37,682
3. Switchboards.	57	238	295	138	343	195	776
4. Stairs, platforms, pits, floors, etc. (including repairs).	186	832	1,018	753	1,517	944	3,293
5. Lighting to prevent accidents.	127	640	767	94	1,113	2,207	974

IV. Fire Protection.	226	753	979	3,480	3,358	7,418	3,705	4,691	8,397
1. Structural conditions:									
a. Number of exits:	6	.....	6	1,220	596	1,816	1,226	596	1,822
b. Doors, doorways and windows:	13	.....	23	440	518	958	453	528	981
c. Stairways:	2	.....	2	210	100	310	212	100	312
d. Fire escapes:	.....	.....	.....	58	43	101	58	43	101
e. Partitions:	.....	.....	.....	1	1	2	1	1	2
f. Openings:	.....	.....	.....	8	6	14	8	6	14
g. Other or general:	.....	.....	.....	20	6	26	20	6	26
2. Clear means of egress:	179	740	919	450	859	1,279	629	1,569	2,198
3-a. Fire alarms:	.....	.....	.....	267	80	347	268	80	348
3-b. Fire drills and records:	1	.....	1	389	190	579	389	190	579
4. Waste and other inflammable materials:	7	.....	9	152	556	708	159	558	717
5. Gas jets:	.....	.....	.....	8	20	28	8	20	28
6. Smoking:	17	.....	17	181	921	1,102	198	921	1,119
7. Sprinklers:	.....	.....	.....	.....	.....	.....	.....	.....	.....
8. Number of occupants:	1	.....	2	16	22	38	17	23	40
9. Fire escapes other than structural conditions:	.....	.....	.....	49	41	90	49	41	90
10. Fire extinguishers:	.....	.....	.....	11	9	20	11	9	20
V. Children:	.....	.....	.....	.....	.....	.....	.....	.....	.....
1. From 14 to 16 years:	.....	.....	1	1	3	4	1	4	5
2. c. Prohibited occupations:	.....	.....	1	1	3	4	1	4	5
VI. Women and Male Minors:	.....	.....	.....	.....	.....	.....	.....	.....	.....
1. Hours:	24	.....	101	21	52	73	45	129	174
2. Prohibited occupations:	.....	.....	.....	16	32	48	16	32	48
3. Employment after childbirth:	.....	.....	.....	.....	4	4	.....	4	4
4. Seats for women:	24	.....	101	5	16	21	29	93	122
VII. Day of Rest:	121	2,824	2,945	19	157	176	140	2,981	3,121
VIII. Miscellaneous:	.....	.....	.....	.....	.....	.....	.....	.....	.....
1. Payment of wages:	313	2,331	2,694	254	322	576	567	2,703	3,270
2. First aid appliances:	7	19	26	31	33	64	38	52	90
3. First aid appliances:	306	2,361	2,667	223	289	512	529	2,650	3,179
4. Screens for stairs:	.....	1	1	.....	.....	.....	.....	1	1
Total:	10,564	88,461	*99,025	18,745	34,293	153,038	29,309	122,754	152,063

* The total compliances, reported for the First Inspection District, include the waiver of 1,300 orders issued prior to July 1, 1917, and 2,396 orders issued between July 1, 1917, and June 30, 1918. These waivers resulted from the cessation of the illegal conditions by reason of modifications of the law, Industrial Code, or accompanying circumstances such as to make the original orders no longer necessary.

† The total compliances, reported for the Second Inspection District, include the waiver of 2,471 orders issued prior to July 1, 1917, and 1,219 orders issued between July 1, 1917, and June 30, 1918.

NOTE.— See Table 5 for factory compliances reported by the Division of Industrial Hygiene.

Table 5 — ORDERS ISSUED BY THE DIVISION OF INDUSTRIAL HYGIENE
AND REPORTED COMPLIANCES THEREWITH FROM JULY 1, 1917, TO
JUNE 30, 1918

SUBJECT OF ORDERS	NUMBER OF ORDERS ISSUED IN —		Total State
	First Inspection District	Second Inspection District	
I. Administration	19	9	28
1. Posting of laws, permits, notices, etc.	19	9	28
II. Sanitation	101	56	157
1. Toilet facilities :			
a. Water closets		2	2
b. Wash rooms (including per- sonal cleanliness)	18	11	29
c. Dressing rooms			
2. Cleanliness or repair of workrooms, halls, etc.		2	2
3. Ventilation, heat and humidity :			
a. General			
b. Removal of dust, fumes, etc. .	82	35	117
4. Lighting		1	1
5. Meals	1	5	6
III. Accident Prevention		5	5
2. Machinery (including vats, pans, etc.)		3	3
4. Stairs, platforms, pits, floors, etc. (including repairs)		2	2
5. Lighting to prevent accidents.			
V. Children		1	1
2. From 14 to 16 years :			
d. Physical disability		1	1
Total	120	71	191

**Table 5—ORDERS ISSUED BY THE DIVISION OF INDUSTRIAL HYGIENE
AND REPORTED COMPLIANCES THEREWITH FROM JULY 1, 1917, TO
JUNE 30, 1918 — (Concluded)**

SUBJECT OF ORDERS	NUMBER OF COMPLIANCES REPORTED IN —		
	First Inspection District	Second Inspection District	Total State
I. Administration	19	10	29
1. Posting of laws, permits, notices, etc.	19	10	29
II. Sanitation	177	81	258
1. Toilet facilities:			
a. Water closets	3	1	4
b. Wash rooms (including personal cleanliness)	45	24	69
c. Dressing rooms	5	1	6
2. Cleanliness or repair of workrooms, halls, etc.)	27	3	30
3. Ventilation, heat and humidity:			
a. General	2	1	3
b. Removal of dust, fumes, etc...	90	47	137
4. Lighting	2	1	3
5. Meals	3	3	6
III. Accident Prevention	1	9	10
2. Machinery (including vats, pans, etc.)	1	5	6
4. Stairs, platforms, pits, floors, etc. (including repairs)		4	4
5. Lighting to prevent accidents			
V. Children		1	1
2. From 14 to 16 years:			
d. Physical disability		1	1
Total	197	101	298

Table 6-A — PROSECUTIONS FOR VIOLATIONS

SUBJECT OF LAW INVOLVED	FIRST INSPECTION DISTRICT					
	Number of cases	Pending	Dismissed, acquitted or withdrawn*	RESULTS TO JUNE 30, 1918		Fines
				Convicted		
				Sentence suspended	Fined	
A Proceedings Instituted						
II. SANITATION						
1. Toilet facilities:						
a. Water closets.....	24	....	(3) 17	3	1	\$20
b. Wash rooms (including personal cleanliness).....	11	....	(1) 8	2	...	....
c. Dressing rooms.....	4	....	4	....	....	....
2. Cleanliness or repair of workrooms, halls, etc..	8	....	5	1	....	....
3. Ventilation, heat and humidity:						
b. Removal of dust, fumes, etc.....	5	....	2	1	2	70
III. ACCIDENT PREVENTION						
1. Elevators and hoistways.....	...	....	....	....	....	....
2. Machinery (including vats, pans, etc.).....	3	....	3	....	....	....
5. Lighting to prevent accidents.....	...	....	....	....	....	....
IV. FIRE PROTECTION						
1. Structural conditions:						
a. Number of exits.....	3	1	(1)....	1	...	....
b. Doors, doorways and windows.....	...	....	....	....	....	....
2. Clear means of egress:						
a. Locked doors.....	...	....	....	....	....	....
b. Other.....	...	....	....	....	....	....
3-a. Fire alarms.....	...	....	....	....	....	....
6. Smoking.....	...	....	....	....	....	....
V. CHILDREN						
1. Under 14 years.....	4	...	....	1	3	90
2. From 14 to 16 years:						
a. Certificates.....	3	...	1	1	1	30
b. Hours.....	2	...	....	1	1	20
VI. WOMEN AND MALE MINORS						
1. Hours.....	5	...	....	4	1	20
VII. DAY OF REST						
Day of rest.....	12	...	1	3	8	160
VIII. MISCELLANEOUS						
1. Payment of wages.....	1	...	....	1	...	....
3. First aid appliances.....	2	...	(1) 1	....	....	....
Total.....	85	1	(6) 42	19	17	\$410

* Withdrawn cases are given in parentheses.

OF THE LABOR LAW IN FACTORIES

SECOND INSPECTION DISTRICT						TOTAL STATE						Subject number
RESULTS TO JUNE 30, 1918						RESULTS TO JUNE 30, 1918						
Number of cases	Pending	Dismissed, acquitted or withdrawn*	Convicted		Fines	Number of cases	Pending	Dismissed, acquitted or withdrawn*	Convicted		Fines	
			Sentence suspended	Fined					Sentence suspended	Fined		
Prior to July 1, 1917												
7	4	3	...	.....	31	....	(3) 21	6	1	\$20	II 1
5	4	1	...	.....	16	....	(1) 12	3	...	.....	a
3	1	1	1	\$25	7	....	5	1	1	25	b
....	6	....	5	1	...	....	2
3	1	1	1	...	....	8	1	3	2	2	70	3 b
5	2	2	1	50	5	....	2	2	1	50	III 1
1	1	....	....	....	4	....	4	....	....	....	2
1	(1)...	....	....	....	1	....	(1)...	....	....	....	5
9	2	5	....	2	40	12	3	(1) 5	1	2	40	IV 1
1	1	....	...	....	1	....	1	....	...	....	a
1	1	20	1	....	....	....	1	20	2
2	2	...	....	2	....	....	2	...	....	a
3	1	2	...	....	3	....	1	2	...	....	b
1	1	...	....	1	....	....	1	...	....	3-a
1	1	...	....	1	....	....	1	...	....	6
1	1	...	....	5	....	....	2	3	90	V 1
4	1	2	....	1	20	7	1	3	1	2	50	2
....	2	....	....	1	1	20	a b
4	2	2	...	....	9	....	2	6	1	20	VI 1
1	1	...	....	13	....	1	4	8	160	VII
1	1	50	2	....	....	1	1	50	VIII 1
....	2	....	(1) 1	....	...	....	3
53	4	(1) 24	17	7	\$205	139	5	(7) 66	36	24	\$815	

Table 6-B — PROSECUTIONS FOR VIOLATIONS OF

SUBJECT OF LAW INVOLVED	FIRST INSPECTION DISTRICT					
	Number of cases	RESULTS TO JUNE 30, 1918				
		Pending	Dis-missed, so-quitted or with-drawn*	Convicted		Fines
				Sentence suspended	Fined	
B Proceedings Instituted						
I. ADMINISTRATION						
1. Posting of laws, permits, notices, etc.....	6	2	2	2		\$60
4. Interfering with inspector.....						
II. SANITATION						
1. Toilet facilities:						
a. Water closets.....	242	33	(30) 159	13	7	170
b. Wash rooms (including personal cleanliness).....	42	10	(4) 24	4		
c. Dressing rooms.....	133	9	(15) 92	7	10	205
2. Cleanliness or repair of workrooms, halls, etc.	48	3	(3) 39	1	2	40
3. Ventilation, heat and humidity:						
a. General.....	1		1			
b. Removal of dust, fumes, etc.....	47	11	(3) 27	1	5	155
4. Lighting.....	3		(1) 1	1		
III. ACCIDENT PREVENTION						
1. Elevators and hoistways.....	3		(1) 2			
2. Machinery (including vats, pans, etc.).....	11	2	5		4	120
4. Stairs, platforms, pits, floors, etc. (including repairs).....	10		(1) 7	2		
5. Lighting to prevent accidents.....	13	2	(1) 9	1		
IV. FIRE PROTECTION						
1. Structural conditions:						
a. Number of exits.....	2		1	1		
b. Doors, doorways and windows.....						
2. Clear means of egress:						
a. Locked doors.....	146	7	(2) 5	9	123	3,005
b. Other.....	13		(3) 9	1		
3-a. Fire alarms.....						
4. Waste and other inflammable materials.....						
6. Smoking.....						
8. Number of occupants.....						
10. Fire extinguishers.....						
V. CHILDREN						
1. Under 14 years.....	88	3	7	51	27	595
2. From 14 to 16 years:						
a. Certificates.....	156	6	(1) 5	107	37	815
b. Hours.....	46	5	2	17	22	440
c. Prohibited occupations.....	9			4	5	100
VI. WOMEN AND MALE MINORS						
1. Hours.....	161	7	(1) 2	69	82	1,775
VII. DAY OF REST						
Day of rest.....	235	6	(1) 8	82	138	3,030
VIII. MISCELLANEOUS						
1. Payment of wages.....	44	2	(7) 28	2	5	130
3. First aid appliances.....	90	1	(1) 1	44	43	880
5. Tenements.....						
Total.....	1,549	197	(75) 436	419	512	\$11,520
Grand total.....	1,634	108	(81) 478	438	529	\$11,930

* Withdrawn cases are given in parentheses.

THE LABOR LAW IN FACTORIES — (Concluded)

SECOND INSPECTION DISTRICT						TOTAL STATE						Subject number
RESULTS TO JUNE 30, 1918						RESULTS TO JUNE 30, 1918						
Number of cases	Pending	Dismissed, acquitted or withdrawn*	Convicted		Fines	Number of cases	Pending	Dismissed, acquitted or withdrawn*	Convicted		Fines	
			Sentence suspended	Fined					Sentence suspended	Fined		
1	.....	1	.....	.....	.....	1	.....	2	.....	2	\$60	I 1 4
25	3	(1) 18	1	2	40	267	36	(31) 177	14	9	210	II 1 a
7	.....	6	.....	1	20	49	10	(4) 30	4	1	20	b
4	.....	4	.....	.....	.....	137	9	(15) 96	7	10	205	c
9	1	4	4	.....	.....	57	4	(3) 43	5	2	40	2 3
1	.....	1	.....	.....	.....	1	.....	1	.....	.....	.....	a
.....	.....	.....	.....	.....	.....	48	11	(3) 28	1	5	155	b
.....	.....	.....	.....	.....	.....	3	.....	(1) 1	1	.....	.....	4
10	1	(1) 8	.....	.....	.....	13	1	(2) 10	.....	.....	.....	III 1
2	.....	2	.....	.....	.....	13	2	7	.....	4	120	2
3	.....	3	.....	.....	.....	13	.....	(1) 10	2	.....	.....	4
.....	.....	.....	.....	.....	.....	13	2	(1) 9	1	.....	.....	5
14	3	11	.....	.....	.....	14	3	11	.....	.....	.....	IV 1
4	.....	4	.....	.....	.....	6	.....	5	1	.....	.....	a
11	1	2	5	3	60	157	8	(2) 7	14	126	3,065	2
3	1	2	.....	.....	.....	16	1	(3) 11	1	.....	.....	a
3	.....	3	.....	.....	.....	3	.....	3	.....	.....	.....	b
1	.....	.....	.....	1	20	1	.....	.....	.....	1	20	3-a
31	1	(1) 1	21	7	140	31	1	(1) 1	21	7	140	4
1	.....	.....	1	.....	.....	1	.....	.....	1	.....	.....	6
1	.....	1	.....	.....	.....	1	.....	1	.....	.....	.....	8
35	2	5	20	9	160	123	5	12	71	35	755	10
79	1	13	49	16	310	235	7	(1) 18	156	53	1,125	V 1
15	2	2	11	.....	.....	61	7	4	28	22	449	2
5	.....	.....	3	2	40	14	.....	.....	7	7	140	a
30	3	5	18	4	80	191	10	(1) 7	87	86	1,855	b
22	3	(1) 1	11	6	135	257	9	(2) 9	93	144	3,165	c
2	.....	.....	.....	2	100	2	.....	.....	.....	2	100	VII 1
1	.....	.....	1	.....	.....	45	2	(7) 28	3	5	130	2
.....	.....	.....	.....	.....	.....	90	1	(1) 1	4	43	880	a
320	22	(4) 97	145	52	\$1,105	1,869	120	(79) 533	564	564	\$12,625	b
373	26	(5) 121	162	59	\$1,310	2,007	13	(86) 599	600	588	\$13,240	c

Table 7 — VIOLATIONS OF THE LABOR LAW IN FACTORIES REFERRED TO COUNSEL WITHOUT ISSUANCE OF ORDERS IN YEAR ENDED JUNE 30, 1918

SUBJECT OF VIOLATION	NUMBER OF VIOLATIONS		
	Referred	Prosecuted	Not prosecuted by order of Commission
(a) <i>First Inspection District</i>			
I. ADMINISTRATION:			
4. Interfering with inspector.....	7	6	1
IV. FIRE PROTECTION:			
2-a. Locked doors	159	146	13
V. CHILDREN:			
1. Under 14 years.....	97	92	5
2. From 14 to 16 years:			
a. Certificates	187	159	28
b. Hours	52	48	4
c. Prohibited occupations	9	9	.....
VI. WOMEN AND MALE MINORS:			
1. Hours	172	166	6
VII. DAY OF REST:			
Day of rest.....	265	247	18
Total.....	948	873	75
(b) <i>Second Inspection District</i>			
IV. FIRE PROTECTION:			
2-a. Locked doors	15	12	3
V. CHILDREN:			
1. Under 14 years.....	38	36	2
2. From 14 to 16 years:			
a. Certificates	100	83	17
b. Hours	21	15	6
c. Prohibited occupations	6	5	1
VI. WOMEN AND MALE MINORS:			
1. Hours	39	34	5
VII. DAY OF REST:			
Day of rest.....	28	23	5
Total.....	247	208	39
(c) <i>Total State</i>			
I. ADMINISTRATION:			
4. Interfering with inspector.....	7	6	1
IV. FIRE PROTECTION:			
2-a. Locked doors	174	158	16
V. CHILDREN:			
1. Under 14 years.....	135	128	7
2. From 14 to 16 years:			
a. Certificates	287	242	45
b. Hours	73	63	10
c. Prohibited occupations	15	14	1
VI. WOMEN AND MALE MINORS:			
1. Hours	211	200	11
VII. DAY OF REST:			
Day of rest.....	293	270	23
Total.....	1,195	1,081	114

Table 8.—CASES FOR PROSECUTION REFERRED BY THE DIVISION OF FACTORY INSPECTION TO DISTRICT ATTORNEYS,
AND DISPOSITION THEREOF, IN YEAR ENDED JUNE 30, 1918

SUBJECT OF VIOLATION	County in which violation occurred	NUMBER OF CASES			CASES CLOSED					Cases pending June 30, 1918
		Pending June 30, 1917	Referred in year ended June 30, 1918	Total	Dismissed or acquitted	Convicted	DISPOSITION OF CONVICTED CASES		Amount	
							Suspended sentence	FINED		
Day of rest.....	Delaware.....	3	1	4	3	.....	.....	.....	.....	1
" ".....	St. Lawrence.....	1	.....	1	.....	.....	.....	.....	.....	1
Payment of wages.....	Delaware.....	1	.....	1	.....	.....	.....	.....	.....	1
" ".....	St. Lawrence.....	1	.....	1	.....	.....	.....	.....	.....	.....
Total.....	.....	6	1	7	4	.....	.....	.....	.....	3

Table 9 — CHILDREN FOUND ILLEGALLY EMPLOYED IN FACTORIES IN YEAR ENDED JUNE 30, 1918

LOCALITY	Number of establishments	NUMBER OF CHILDREN								Total children
		UNDER 14 YEARS OF AGE				14-16, WORKING				
		WITHOUT CERTIFICATES		WITHOUT CERTIFICATES AND ILLEGAL HOURS		ILLEGAL HOURS		Total children		
		Boys	Girls	Boys	Girls	Boys	Girls			
New York City:										
Bronx.....	4	2	.....	1	.....	.....	.....	2	.....	6
Brooklyn.....	135	21	10	60	49	8	.....	15	13	176
Manhattan.....	709	63	30	278	214	59	37	87	73	841
Queens.....	18	5	.....	5	.....	.....	.....	.....	.....	18
Richmond.....	14	1	.....	7	2	7	.....	2	.....	19
Total — New York City.....	890	92	40	351	274	74	37	106	86	1,090
Long Island, outside of New York City.....	11	.....	1	3	11	.....	.....	.....	1	16
Total — First District.....	891	92	41	354	285	74	37	106	87	1,076
Albany.....	8	1	.....	1	.....	2	5	2	3	14
Binghamton.....	7	1	.....	2	.....	3	.....	4	.....	11
Buffalo.....	96	16	3	43	13	22	22	16	4	139
Rochester.....	38	11	1	20	12	14	4	8	1	66
Schenectady.....	1	.....	.....	.....	.....	.....	1	.....	.....	1
Syracuse.....	10	1	.....	3	2	1	.....	3	.....	11
Troy.....	3	.....	.....	1	.....	1	3	.....	.....	5
Utica.....	1	1	.....	.....	.....	3	.....	1	.....	1
Yonkers.....	4	.....	.....	1	.....	.....	.....	.....	.....	6
Remainder of State.....	251	56	8	101	35	102	56	28	29	415
Total — Second District.....	419	87	12	172	62	148	91	57	40	669
Total — State.....	1,310	179	53	526	347	222	128	163	127	1,745

Table 10—CHILDREN FOR WHOM PROOF OF AGE WAS DEMANDED IN FACTORIES IN YEAR ENDED JUNE 30, 1918

First Inspection District:	Age proven 16	Age proven 14-18 (certificate secured)	Age proven less than 14 (dis- charged)	Dis- charged without proof of age
Boys	31	5	.....	43
Girls	17	5	.....	41
Total.....	48	10	.....	84
Second Inspection District:				
Boys	20	5	.....	50
Girls	9	2	.....	30
Total.....	29	7	.....	80
Total State:				
Boys	51	10	.....	93
Girls	26	7	.....	71
Total.....	77	17	.....	164

Table 11—CHILDREN FOUND AT PROHIBITED EMPLOYMENT IN FACTORIES IN YEAR ENDED JUNE 30, 1918

LOCALITY	OCCUPATION	Number of estab- lishments	NUMBER OF CHILDREN (14 TO 16 YEARS OF AGE)	
			Boys	Girls
New York, Brooklyn....	Dangerous machinery....	6	7	1
New York, Manhattan...	Dangerous machinery....	23	23	.....
Total—First Inspection District.....		29	30	1
Buffalo	Dangerous machinery....	5	5	1
Buffalo	Operating elevator.....	1	1	.....
Castleton	Dangerous machinery....	1	1	.....
Cobleskill	Dangerous machinery....	1	1	.....
Endicott	Dangerous machinery....	1	1	.....
Geneva	Dangerous machinery....	1	1	.....
Gloversville	Dangerous machinery....	1	1	.....
Lockport	Dangerous machinery....	1	1	.....
Niagara Falls	Dangerous machinery....	1	.....	1
North Tonawanda	Dangerous machinery....	1	1	.....
Rochester	Labelling bottles in liquor establishment.....	1	1	.....
Rochester	Dangerous machinery....	2	2	.....
Seneca Falls	Dangerous machinery....	1	1	.....
Total—Second Inspection District.....		18	17	2
Total State		47	47	3

Table 12 — CHILDREN 14 TO 16 YEARS OF AGE FOUND EMPLOYED IN
FACTORIES IN NEW YORK STATE IN YEAR ENDED JUNE 30, 1918

CITY	Number of estab- lishments	NUMBER OF CHILDREN		
		Boys	Girls	Total
Albany	24	19	83	102
Amsterdam	21	48	64	112
Auburn	15	29	33	62
Batavia	3	3	1	4
Beacon	6	16	21	37
Binghamton	15	36	20	56
Buffalo	259	444	374	818
Canandaigua	2	1	2	3
Cohoes	15	12	27	39
Corning	1	3	.....	3
Cortland	1	3	.....	3
Dunkirk	7	10	26	36
Elmira	10	10	23	33
Fulton	6	35	15	50
Geneva	10	12	5	17
Glen Cove	2	7	3	10
Glens Falls	8	4	12	16
Gloversville	25	52	23	75
Hornell	5	1	8	9
Hudson	3	5	8	13
Ithaca	1	1	.....	1
Jamestown	35	73	19	92
Johnstown	19	20	23	43
Kingston	18	37	62	99
Lackawanna	1	9	1	10
Little Falls	6	13	10	23
Lockport	9	7	10	17
Mechanicville	3	3	1	4
Middletown	8	4	9	13
Mount Vernon	10	6	15	21
Newburgh	12	16	8	24
New Rochelle	10	6	13	19
New York	3,517	3,310	5,300	8,610
<i>Bronx</i>	71	161	248	409
<i>Brooklyn</i>	788	691	1,631	2,322
<i>Manhattan</i>	2,437	2,102	2,938	5,040
<i>Queens</i>	188	289	426	715
<i>Richmond</i>	33	67	57	124
Niagara Falls	15	31	6	37
North Tonawanda	12	54	21	75
Norwich	2	1	5	6
Ogdensburg	6	4	7	11
Olean	7	15	10	25
Oneida	2	1	2	3
Oneonta	4	2	4	6
Oswego	9	27	34	61
Plattsburg	2	2	.....	2
Port Jervis	5	2	6	8
Poughkeepsie	10	10	26	36
Rensselaer	1	1	.....	1
Rochester	190	435	447	882
Rome	12	16	19	35
Salamanca	3	3	.....	3
Saratoga Springs	2	7	.....	7
Schenectady	6	11	5	16
Sherrill . . . . .	.....	.....	.....	.....
Syracuse	61	109	102	211

Table 12 — (Continued)

CITY	Number of estab- lishments	NUMBER OF CHILDREN		
		Boys	Girls	Total
Tonawanda	4	9	2	11
Troy	26	37	46	83
Utica	51	100	160	260
Watertown	5	8	8	16
Watervliet	7	12	10	22
White Plains	2	.....	3	3
Yonkers	10	26	31	57
Remainder of State.....	373	548	556	1,104
Total.....	4,914	5,726	7,729	13,455

Table 13 — ILLEGAL HOURS OR PROHIBITED EMPLOYMENT OF WOMEN OR MALE MINORS, OR VIOLATIONS OF DAY OF REST LAW IN FACTORIES, IN YEAR ENDED JUNE 30, 1918

SUBJECT	FIRST INSPECTION DISTRICT		SECOND INSPECTION DISTRICT		TOTAL STATE	
	Number of firms	Number of persons illegally employed	Number of firms	Number of persons illegally employed	Number of firms	Number of persons illegally employed
Illegal hours of —						
Women	234	1,130	57	321	291	1,451
Male minors	9	10	39	118	48	128
Prohibited employment of—						
Women . . . . .	.....	.....	2	38	2	38
Male minors	2	2	2	2	4	4
Day of rest violations:						
Working on Sunday, no schedule posted	373	2,415	56	497	429	2,912
Working on desig- nated day of rest.	43	177	2	2	45	179
Working seven days a week	18	264	119	1,215	137	1,479

Table 14 — COMPLAINTS ALLEGING VIOLATION OF THE LABOR LAW IN FACTORIES, INVESTIGATED IN YEAR ENDED JUNE 30, 1918

SUBJECT OF COMPLAINT	NUMBER OF COMPLAINTS IN FIRST INSPECTION DISTRICT				NUMBER OF COMPLAINTS IN SECOND INSPECTION DISTRICT				NUMBER OF COMPLAINTS IN TOTAL STATE			
	Sus-tained	Not sus-tained	Total	Thereof anony-mous	Sus-tained	Not sus-tained	Total	Thereof anony-mous	Sus-tained	Not sus-tained	Total	Thereof anony-mous
I. Administration.												
1. Posting of laws, permits, notices, etc.	3	6	9		1		1		4	6	10	
2. Keeping of records, registers, etc.	3	6	9						3	6	9	
5. Securing permit to operate bakery.					1		1		1		1	
	605	345	950	219	66	48	114	37	671	333	1,064	256
II. Sanitation.												
1. Toilet facilities:												
a. Water closets.	297	166	463	105	19	8	27	9	316	174	490	114
b. Wash rooms (including personal cleanliness).	58	23	81	25	6	1	7	2	64	24	88	27
c. Dressing rooms.	77	41	118	15	2	4	6	3	79	45	124	18
2. Cleanliness or repair of work rooms, halls, etc.	111	53	164	30	12	10	22	9	123	63	186	39
3. Ventilation, heat and humidity:												
a. General.	5	11	16	12	4	6	10	5	9	17	26	17
b. Removal of dust, fumes, etc.	45	33	78	23	20	16	36	7	65	49	114	30
4. Lighting.	8	2	10		2	2	4	1	8	4	12	4
5. Meals.	2	5	7	5	2		2	1	4	5	9	6
6. Drinking water and drinking cups.	2	11	13	4	1		2		3	12	15	4
7. Sanitation of living quarters.												
III. Accident Prevention.												
1. Elevators and hoistways.	67	28	95	28	24	9	33	9	91	37	128	37
2. Machinery (including vats, pans, etc.)	1	1	2	1	1		1	1	2	1	3	2
3. Switchboards.	30	17	47	14	19	6	25	7	49	23	72	21
4. Stairs, platforms, pits, floors, etc. (including repairs).												
5. Lighting to prevent accidents.	6	10	16	2	3	2	5	1	9	2	11	3
6. Unsafe scaffolds.	30		30	11	1	1	2		31	11	42	11
IV. Fire Protection.												
1. Structural conditions:												
a. Number of exits.	20	32	52	14	10	12	22	13	30	44	74	27
b. Doors, doorways and windows.					2	4	6	4	2	4	6	4
c. Stairways.												

[illegible]

* Contained in 1,588 separate communications.

† Contained in 620 separate communications.

† Contained in 234 separate communications.

84 Contained in 84 separate communications.

Table 15 — WORK OF HOMEWORK INSPECTORS

	1918	1917*	1916†	1915	1914
Investigations (including reinvestigations) of applications for license....	3,964	3,703	2,167	2,789	3,823
Inspections of licensed buildings.....	20,108	15,396	14,707	14,512	12,199
Inspections of unlicensed buildings....	4,194	4,234	1,901	2,250	2,295
Inspections of apartments.....	274,464	206,247	187,733	177,210	142,893
Apartment in which work was in progress	16,460	15,251	14,974	11,404	10,564
Number of persons found at work.....	31,326	25,012	24,049	14,688	14,195
Inspections of licensed rear factory shops	172	240	378	310	484
Tagging cases (exclusive of "assisting") under section 102.....	464	322	275	122	284
Cases of contagious diseases reported in licensed tenement houses.....	15	18	14	28	39
Complaint investigations	249	249	371	206	275
Compliance visits	9,361	7,648	3,834	2,836	8,917
Miscellaneous matters .....	.....	1,345	4,343	9,508	12,553
Department office calls	809	‡	‡	‡	‡

† Nine months ended June 30, 1916.

* Twelve months ended June 30, 1917; up to 1915 year ended September 30.

‡ Comparative figures not available; previously included with miscellaneous matters.

Table 16 — LICENSING OF TENEMENTS IN YEAR ENDED JUNE 30, 1918

	New York City	Remainder of State	Total
Licenses outstanding July 1, 1917.....	15,146	737	15,883
Applications pending July 1, 1917.....	1	.....	1
Applications received	3,626	239	3,865
Total.....	3,627	239	3,866
Applications cancelled	128	.....	128
Applications pending June 30, 1918.....	29	.....	29
Licenses granted:			
On first investigation.....	3,427	239	3,666
On reinvestigation	52	.....	52
Total.....	3,479	239	3,718
Licenses cancelled	2,263	43	2,306
Licenses revoked	120	.....	120
Total.....	2,383	43	2,426
Licenses refused	102	.....	102
Licenses outstanding June 30, 1918.....	16,242	933	17,175

Table 17—REGISTERS OF OUTSIDE WORKERS

YEAR ENDED JUNE 30*	Notifi- cations issued	Registers filed	Not found or out of business	Reported no outside hands
1918.....	4,833	2,158	482	452
1917.....	2,468	1,643	240	136
1916 (nine months).....	2,336	1,459	232	161
1915.....	1,852	1,847	313	345
1914.....	3,407	1,886	154	167
1913.....	1,318	636	47	113
1912.....	4,164	1,976	253	212
1911.....	1,658	718	74	93
1910.....	2,924	1,999	463	262
1909.....	2,947	2,292	258	342
1908.....	2,743	2,101	330	432
1907.....	5,740	1,832	327	576

* Year ended on September 30 up to and including 1915.

Table 18—PERMITS TO FACTORY OWNERS TO SEND WORK TO
TENEMENTS

Permits outstanding July 1, 1917.....	2,596
Issued during year.....	584
Cancelled and revoked during year.....	†299
Permits outstanding June 30, 1918.....	2,881

† Thereof, 19 were revoked.

Table 19 — ORDERS ISSUED BY THE DIVISION OF HOMEWORK INSPECTION AND REPORTED COMPLIANCES THEREWITH
FROM JULY 1, 1917, TO JUNE 30, 1918

SUBJECT OF ORDERS	NUMBER OF ORDERS ISSUED IN —			NUMBER OF COMPLIANCES REPORTED IN —		
	First inspection district	Second inspection district	Total State	First inspection district	Second inspection district	Total State
II. Sanitation	4,174	669	4,843	4,851	671	4,722
1. Toilet facilities:						
a. Water closets	1,624	73	1,697	1,559	73	1,632
b. Repair plumbing in living rooms	192	.....	192	191	.....	191
2. Cleanliness or repair of apartments, halls, etc.:						
a. Clean by scrubbing floors, etc., of apartments	589	132	721	565	132	697
b. Clean by scrubbing floors and stairs of halls	284	232	516	303	232	535
c. Repair walls of halls	82	.....	82	74	.....	74
d. Paint walls and ceilings of halls	323	1	324	307	2	309
e. Wash walls of halls	390	.....	390	366	.....	366
f. Remove rubbish and dirt from halls, cellars, yards, etc.	690	231	921	686	232	918
VIII. Miscellaneous	206	.....	206	201	.....	201
1. Cease employing persons not members of family	89	.....	89	84	.....	84
2. Cease making articles of food, dolls, dolls' clothing or children's wearing apparel	115	.....	115	115	.....	115
3. Cease working in cellar	2	.....	2	2	.....	2
Total	4,380	669	5,049	4,352	671	4,923

* This total of compliances includes 458 orders which were no longer outstanding as orders by reason of revocation of licenses, tagging, etc.

Table 20—CHILDREN FOUND ILLEGALLY EMPLOYED IN LICENSED
TENEMENT LIVING ROOMS IN YEAR ENDED JUNE 30, 1918

LOCALITY	NUMBER OF CHILDREN —						
	NUMBER OF —		UNDER 14 YEARS OF AGE		14-16, WORKING WITHOUT		Total child- ren
					CERTIFICATES		
	Tene- ments	Apartment- ments	Boys	Girls	Boys	Girls	
New York City:							
Broox	29	37	6	34	2	18	60
Brooklyn	70	71	3	59	3	21	86
Manhattan	282	308	66	268	7	91	432
Queens	25	27	6	21	.....	5	32
Richmond							
Total—New York City	406	443	81	382	12	135	610
Long Island outside of New York City							
Total—First District.	406	443	81	382	12	135	610
Albany							
Binghamton							
Buffalo							
Rochester	2	2		2			2
Schenectady							
Syracuse							
Troy							
Utica							
Yonkers							
Total—Second District	2	2	.....	2	.....	.....	2
Total—State.....	408	445	81	384	12	135	612

Table 21 — WORK OF MERCANTILE INSPECTORS, BY KINDS OF WORK

Regular inspections:	1914	1915	1916*	1917	1918
Mercantile.....	22,778	23,387	22,781	†	†
Office.....	1,149	380	965	†	†
Hotel.....	39	17	21	†	†
Bowling alleys.....	343	57	150	†	†
Places of amusement.....	103	106	76	†	†
Barber shops.....	63	55	28	†	†
Shoe polishing stands.....	46	24	45	†	†
Total.....	24,521	24,006	24,066	26,060	40,926
Special inspections:					
Mercantile.....	4,957	4,880	2,800	†	†
Office.....	83	105	37	†	†
Hotel.....	2	17	2	†	†
Bowling alleys.....	39	1	7	†	†
Places of amusement.....	12	5	8	†	†
Barber shops.....	.....	4	2	†	†
Shoe polishing stands.....	10	6	5	†	†
Total.....	5,103	5,018	2,861	7,074	5,772
Investigations:					
Complaints.....	913	1,167	1,193	1,426	1,388
Compliances.....	21,472	20,672	16,717	35,270	49,718
Total.....	22,385	21,839	17,910	36,696	51,106

* Nine months ended June 30, 1916.

† Comparative data, by kinds of work, not available.

Table 22 — WORK OF MERCANTILE INSPECTORS, BY LOCALITIES

	REGULAR INSPECTIONS		SPECIAL INSPECTIONS		INVESTIGATIONS OF —			
					COMPLAINTS		COMPLIANCES	
	1917	1918	1917	1918	1917	1918	1917	1918
New York City.....	14,566	26,813	5,263	4,874	1,327	1,314	23,336	40,779
Buffalo.....	2,729	3,904	216	115	28	20	2,397	1,609
Rochester.....	1,216	2,090	160	215	18	16	1,675	1,330
Total — First class cities.....	18,511	32,807	5,639	5,204	1,373	1,350	27,408	43,718
Albany.....	350	588	79	49	16	10	583	762
Binghamton.....	379	531	43	18	1	4	609	459
Schenectady.....	641	782	114	49	7	5	586	1,302
Syracuse.....	2,460	2,589	173	208	15	18	1,243	579
Troy.....	408	452	111	20	6	.....	524	673
Utica.....	1,182	1,321	138	41	.....	.....	2,036	1,459
Yonkers.....	449	804	79	44	3	.....	629	385
Other places†.....	1,680	1,052	698	139	5	1	1,652	381
Grand Total...	26,060	40,926	7,074	5,772	1,426	1,388	35,270	49,718

† Enforcement of "one day of rest in seven" law.

Table 23 — ORDERS ISSUED BY THE DIVISION OF MERCANTILE INSPECTION IN YEAR ENDED JUNE 30, 1918

SUBJECT OF ORDERS	NUMBER OF ORDERS ISSUED IN —		
	First Inspection District (a)	Second Inspection District (b)	Total State
I. Administration	31,366	14,754	46,120
1. Posting of laws, permits, notices, etc.....	31,360	14,754	46,114
2. Keeping of records, registers, etc.....	6	.....	6
4. Interfering with inspector.....	.....	.....	.....
II. Sanitation	28,185	5,711	33,896
1. Toilet facilities:			
a. Water closets.....	21,016	3,933	24,949
b. Wash rooms (including personal cleanliness).....	4,483	1,075	5,558
c. Dressing rooms.....	624	69	693
2. Cleanliness or repair of sales rooms, etc.....	1,851	464	2,315
3. Ventilation, heat and humidity.....	6	65	71
4. Lighting.....	28	79	107
5. Meals.....	75	14	89
6. Drinking water and drinking cups.....	79	11	90
7. Marking mattresses.....	13	.....	13
III. Accident prevention	430	552	982
1. Machinery.....	5	1	6
2. Switchboards.....	3	17	20
3. Stairs.....	422	534	956
V. Children	87	22	109
1. From 14 to 16 years:			
a. Shortening hours of labor.....	87	22	109
b. Employed in basements.....	.....	.....	.....
VI. Women	939	324	1,263
1. Employment after childbirth.....	.....	.....	.....
2. Seats for women.....	32	6	38
3. Shortening hours of labor.....	884	317	1,201
4. Employed in basements.....	23	1	24
VII. Day of Rest	8,934	*3,830	12,764
VIII. Miscellaneous	1	.....	1
1. Payment of wages without deduction for benefit funds.....	1	.....	1
Total	69,942	25,193	95,135

* Includes 1,093 orders in localities outside of first and second-class cities.

(a) Comprises New York City only.

(b) Comprises first and second-class cities other than New York City.

Table 24 — COMPLIANCES WITH ORDERS REPORTED BY THE DIVISION OF MERCANTILE INSPECTION FROM JULY 1, 1917, TO JUNE 30, 1918

SUBJECT	NUMBER OF COMPLIANCES REPORTED —									
	IN FIRST INSPECTION DISTRICT (a) ON ORDERS ISSUED —			IN SECOND INSPECTION DISTRICT (b) ON ORDERS ISSUED —			IN TOTAL STATE ON ORDERS ISSUED —			Total
	Prior to July 1, 1917	Between July 1, 1917, and June 30, 1918	Total	Prior to July 1, 1917	Between July 1, 1917, and June 30, 1918	Total	Prior to July 1, 1917	Between July 1, 1917, and June 30, 1918	Total	
I. Administration	263	31,366	31,629	604	14,734	15,338	987	46,100	46,987	
1. Posting of laws, permits, notices, etc.	263	31,360	31,623	604	14,734	15,338	987	46,094	46,961	
2. Keeping of records, registers, etc.	.....	6	6	.....	.....	.....	.....	6	6	
3. Posting of notices.	.....	.....	.....	.....	.....	.....	.....	.....	.....
4. Interfering with inspector.	.....	.....	.....	.....	.....	.....	.....	.....	.....
II. Sanitation	3,155	22,360	25,535	2,696	3,152	5,848	5,851	25,532	31,383	
1. Toilet facilities	2,390	17,147	19,537	2,007	2,389	4,346	4,397	19,486	23,883	
a. Water closets	.....	.....	.....	.....	.....	.....	.....	.....	.....
b. Wash rooms (including personal cleanliness)	301	3,172	3,473	497	440	937	798	3,612	4,410	
c. Dressing rooms	280	522	802	50	50	100	330	572	902	
d. Cleanliness or repair of sales rooms, etc.	154	1,364	1,518	102	266	368	256	1,630	1,886	
2. Ventilation, heat and humidity	3	6	9	2	.....	.....	5	6	11	
3. Lighting	7	22	29	10	44	63	26	66	92	
4. Meals	.....	63	63	11	10	21	11	73	84	
5. Drinking water and drinking cups	11	72	83	8	3	11	19	73	84	
6. Marking mattresses	0	12	21	.....	.....	.....	9	12	21	
III. Accident Prevention	103	346	449	141	399	540	244	745	989	
1. Machinery	1	1	2	.....	.....	.....	1	1	2	
2. Switchboards	.....	1	1	.....	11	11	.....	12	12	
3. Stairs	102	344	446	141	388	529	243	732	975	
V. Children	7	81	88	2	15	17	9	96	105	
1. From 14 to 16 years	6	81	87	2	15	17	8	96	104	
a. Shortening hours of labor	.....	.....	.....	.....	.....	.....	.....	.....	.....
b. Employed in basements	1	.....	1	.....	.....	.....	1	.....	1	
VI. Women	21	915	936	37	299	336	58	1,214	1,272	
1. Employment after childbirth	.....	.....	.....	.....	.....	.....	.....	.....	.....
2. Seats for women	21	32	53	.....	2	2	.....	34	55	
3. Shortening hours of labor	.....	87	87	37	296	333	37	1,163	1,200	
4. Employed in basements	.....	16	16	.....	1	1	.....	17	17	

VII. Day of Rest.....	1,876	8,695	10,571	*1,300	†3,245	4,545	3,176	11,940	15,116
VIII. Miscellaneous.....									
1. Payment of wages without deduction for benefit funds.....									
Total.....	5,425	63,783	69,208	4,780	21,844	26,624	10,205	85,627	†95,832

(a) Comprises New York City only.

(b) Comprises first and second-class cities other than New York City.

* Includes 376 compliances in localities outside of first and second-class cities.

† Includes 863 compliances in localities outside of first and second-class cities.

‡ The total compliances include the waiver of 7,189 orders. These waivers resulted from the cessation of the illegal conditions by reason of modifications of the Law, Industrial Code, or accompanying circumstances such as to make the original orders no longer necessary. The distribution of the 7,189 waivers was as follows: In the First Inspection District, 3,079 and 535 on orders issued prior to July 1, 1917, and between July 1, 1917, and June 30, 1918, respectively; in the Second Inspection District, 2,948, and 232 on orders issued prior to July 1, 1917, and between July 1, 1917, and June 30, 1918, respectively; in localities outside of first and second-class cities, 94 on orders issued prior to July 1, 1917. Of the waivers on orders issued prior to July 1, 1917, 2,811 in the First Inspection District, 2,829 in the Second Inspection District and 94 in localities outside of first and second-class cities resulted from the resolution of the Industrial Commission, owing to lack of legal authority to prosecute those who failed to comply with such orders.

Table 25 — PROSECUTIONS FOR VIOLATIONS OF THE

SUBJECT OF LAW INVOLVED	FIRST INSPECTION DISTRICT					
	Number of cases	Pending	Dismissed, acquitted or withdrawn*	RESULTS TO JUNE 30, 1918		
				Convicted		Fines
				Sentence suspended	Fined	
A Proceedings Instituted						
V. CHILDREN						
1. Under 14 years.....	5	....	....	4	1	\$20
2. From 14 to 16 years:						
a. Certificates.....	4	....	(1)....	2	1	20
b. Hours.....	1	....	....	1	...	....
VI. WOMEN AND MALE MINORS						
1. Hours.....	2	....	....	2	...	....
VII. DAY OF REST						
Day of rest.....	10	....	3	5	2	40
Total.....	22	....	(1) 3	14	4	\$80
B Proceedings Instituted						
II. SANITATION						
1. Toilet facilities:						
a. Water closets.....	1	1	....	....	...	....
V. CHILDREN						
1. Under 14 years.....	333	7	(3) 13	245	65	\$1,505
2. From 14 to 16 years:						
a. Certificates.....	289	7	7	227	48	1,100
b. Hours.....	58	1	1	36	15	385
VI. WOMEN AND MALE MINORS						
1. Hours.....	260	7	(2) 16	137	98	2,120
VII. DAY OF REST						
Day of rest.....	233	5	(1) 8	116	103	2,245
Total.....	1,169	28	(6) 45	761	329	\$7,355
Grand total.....	1,191	28	(7) 48	775	333	\$7,435

* Withdrawn cases are given in parentheses.

LABOR LAW IN MERCANTILE ESTABLISHMENTS

SECOND INSPECTION DISTRICT							TOTAL STATE							Subject number
RESULTS TO JUNE 30, 1918							RESULTS TO JUNE 30, 1918							
Number of cases	Pending	Dismissed, acquitted or withdrawn*	Convicted		Fines	Number of cases	Pending	Dismissed, acquitted or withdrawn*	Convicted		Fines			
			Sentence suspended	Fined					Sentence suspended	Fined				

Prior to July 1, 1917

1	....	....	....	1	\$20	6	....	....	4	2	\$40	V 1
2	....	(2)....	....	...	....	6	....	(3)....	2	1	20	2
....	....	....	....	...	....	1	....	....	1	...	....	b
....	....	....	....	...	....	3	....	....	2	...	....	VI 1
1	....	(1)....	....	...	....	11	....	(1) 3	5	2	40	VII
4	....	(3)....	....	1	\$20	26	....	(4) 3	14	5	\$100	

In Current Year (July 1, 1917-June 30, 1918)

....	....	....	....	...	....	1	1	....	....	...	....	II 1
28	1	2	20	5	\$105	361	8	(3) 15	265	70	\$1,610	a
42	3	1	30	8	150	331	10	8	257	56	1,250	V 1
4	1	....	1	2	30	57	2	1	37	17	415	2
38	13	1	20	4	70	298	20	(2) 17	157	102	2,190	a b
44	1	4	32	7	140	277	6	(1) 12	148	110	2,385	VI 1
153	19	8	103	26	\$495	1,325	47	(6) 53	864	355	\$7,850	VII
160	19	(3) 8	103	27	\$515	1,351	47	(10) 56	878	360	\$7,950	

Table 26 — VIOLATIONS OF THE LABOR LAW IN MERCANTILE ESTABLISHMENTS REFERRED TO COUNSEL WITHOUT ISSUANCE OF ORDERS IN YEAR ENDED JUNE 30, 1918

SUBJECT OF VIOLATION	NUMBER OF VIOLATIONS		
	Referred	Prosecuted	Not prosecuted by order of Commission
(a) First Inspection District			
V. CHILDREN :			
1. Under 14 years.....	359	338	21
2. From 14 to 16 years :			
a. Certificates	312	293	19
b. Hours	54	54	.....
VI. WOMEN AND MALE MINORS :			
1. Hours	270	262	8
VII. DAY OF REST :			
Day of rest.....	266	243	23
Total.....	1,261	1,190	71
(b) Second Inspection District			
V. CHILDREN :			
1. Under 14 years.....	38	29	9
2. From 14 to 16 years :			
a. Certificates	53	44	9
b. Hours	4	4	.....
VI. WOMEN AND MALE MINORS :			
1. Hours	46	38	8
VII. DAY OF REST :			
Day of rest.....	56	45	11
Total.....	197	160	37
(c) Total State			
V. CHILDREN :			
1. Under 14 years.....	397	367	30
2. From 14 to 16 years :			
a. Certificates	365	337	28
b. Hours	58	58	.....
VI. WOMEN AND MALE MINORS :			
1. Hours	316	300	16
VII. DAY OF REST :			
Day of rest.....	322	288	34
Total.....	1,458	1,350	108

Table 27 — CASES FOR PROSECUTION REFERRED BY THE DIVISION OF MERCANTILE INSPECTION TO DISTRICT ATTORNEYS, AND DISPOSITION THEREOF, IN YEAR ENDED JUNE 30, 1918

SUBJECT OF VIOLATION	County in which violation occurred	NUMBER OF CASES			CASES CLOSED					Cases pending June 30, 1918
		Pending June 30, 1917	Referred in year ended June 30, 1918	Total	Dismissed or acquitted	Convicted	DISPOSITION OF CONVICTED CASES			
							Suspended sentence	FINED		
								Number	Amount	
Day of rest.	Albany.....	1	.....	1	.....	.....	.....	.....	.....	1
	New York.....	1	.....	1	.....	.....	.....	.....	.....	.....
	Ontario.....	2	.....	2	.....	.....	.....	.....	.....	.....
	Ontario.....	1	.....	1	.....	.....	.....	.....	.....	.....
	Orange.....	1	.....	1	.....	.....	.....	.....	.....	.....
Total.....		6	.....	6	3	.....	.....	.....	.....	3

* Grand Jury failed to indict.

Table 28 — CHILDREN FOUND ILLEGALLY EMPLOYED IN MERCANTILE ESTABLISHMENTS IN YEAR ENDED JUNE 30, 1918

LOCALITY	Number of establishments	NUMBER OF CHILDREN										Total children
		UNDER 14 YEARS OF AGE				14-16, WORKING—						
		WITHOUT CERTIFICATES		WITHOUT CERTIFICATES AND ILLEGAL HOURS		ILLEGAL HOURS						
		Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls			
New York City:												
Bronx.....	207	85	5	69	5	44	2	7	2	7	2	219
Brooklyn.....	815	349	8	198	21	233	8	38	7	38	7	862
Manhattan.....	1,482	675	16	583	69	204	11	52	7	52	7	1,617
Queens.....	77	46	3	25	7	8	.....	.....	.....	.....	.....	91
Richmond.....	25	11	3	11	3	2	.....	1	.....	1	.....	31
Total — First District.....	2,606	1,166	35	886	105	491	21	100	16	100	16	2,820
Albany.....	61	20	4	41	10	20	3	8	.....	8	.....	106
Binghamton.....	26	7	.....	8	3	11	.....	1	.....	1	.....	30
Buffalo.....	97	22	3	39	12	12	1	4	.....	4	.....	94
Rochester.....	109	39	3	53	7	6	1	3	.....	3	.....	112
Schenectady.....	43	9	.....	15	7	9	3	3	.....	3	.....	47
Syracuse.....	94	24	1	50	11	16	1	2	.....	2	.....	105
Troy.....	40	15	.....	17	.....	12	.....	1	.....	1	.....	45
Utica.....	25	12	.....	10	2	.....	.....	1	.....	1	.....	26
Yonkers.....	34	12	3	13	3	.....	4	1	.....	1	.....	37
Total — Second District.....	529	160	15	246	55	90	11	24	1	24	1	602
Total — State.....	3,135	1,326	50	1,132	160	581	32	124	17	124	17	3,422

Table 29 — CHILDREN FOR WHOM PROOF OF AGE WAS DEMANDED IN
MERCANTILE ESTABLISHMENTS IN YEAR ENDED JUNE 30, 1918

	Age proven 16	Age proven 14-16 (certificate secured)	Age proven less than 14 (dis- charged)	Dis- charged without proof of age
First Inspection District:				
Boys	22	4	1	31
Girls	5	2	.....	5
Total.....	27	6	1	36
Second Inspection District:				
Boys	2	3	.....	15
Girls	5	2	.....	7
Total.....	7	5	.....	22
Total State:				
Boys	24	7	1	46
Girls	10	4	.....	12
Total.....	34	11	1	58

Table 30 — CHILDREN 14 TO 16 YEARS OF AGE FOUND EMPLOYED IN MERCANTILE ESTABLISHMENTS

	Number of establish- ments	NUMBER OF CHILDREN FOUND EMPLOYED		
		Boys	Girls	Total
New York City.....	2,080	2,722	1,070	3,792
<i>Bronx</i>	157	159	10	169
<i>Brooklyn</i>	569	581	234	815
<i>Manhattan</i>	1,285	1,921	809	2,730
<i>Queens</i>	57	46	15	61
<i>Richmond</i>	12	15	2	17
Buffalo.....	156	339	216	555
Rochester.....	123	173	130	303
Total — First-class cities: 1918....	2,359	3,234	1,416	4,650
1917....	2,147	2,951	1,657	4,608
*1916....	1,737	2,642	1,311	3,953
1915....	†	2,604	1,049	\$3,653
1914....	†	3,296	2,471	\$5,767
1913....	†	3,734	2,120	\$5,854
1912....	†	2,471	1,698	\$4,169
Albany.....	49	68	26	94
Binghamton.....	20	24	4	28
Schenectady.....	47	42	21	63
Syracuse.....	121	158	79	237
Troy.....	31	32	19	51
Utica.....	29	47	23	70
Yonkers.....	35	37	5	42
Total — All cities: 1918.....	2,691	3,642	1,593	5,235
1917.....	2,514	3,413	1,791	5,204
*1916.....	2,089	3,100	1,434	4,534
1915.....	†	2,897	1,090	\$3,987
1914.....	†	3,930	2,718	\$6,648

Table 31 — ILLEGAL HOURS OF WOMEN OR MALE MINORS, OR VIOLATIONS OF DAY OF REST LAW IN MERCANTILE ESTABLISHMENTS IN YEAR ENDED JUNE 30, 1918

SUBJECT	FIRST INSPECTION DISTRICT		SECOND INSPECTION DISTRICT		TOTAL STATE	
	Number of firms	Number of persons illegally employed	Number of firms	Number of persons illegally employed	Number of firms	Number of persons illegally employed
Illegal hours of —						
Women.....	643	911	153	301	796	1,212
Male minors.....	1	1	5	5	6	6
Day of rest violations:						
Working on Sunday, no schedule posted....	552	655	189	225	741	880
Working on designated day of rest.....	121	133	13	13	134	146
Working seven days a week.....	16	18	27	27	43	45

* Nine months ended June 30, 1916.

† Comparative data not available.

‡ Incorrectly given as 2,569 for year 1915 and 4,887 for year 1914 in the annual reports for fiscal years 1916 and 1917, respectively.

§ Corrected figure.

Table 32 — COMPLAINTS, ALLEGING VIOLATION OF THE LABOR LAW IN
MERCANTILE ESTABLISHMENTS, INVESTIGATED

SUBJECT OF COMPLAINT	NUMBER OF COMPLAINTS			
	Sustained	Not sustained	Total	Thereof anonymous
ADMINISTRATION				
Posting of laws, permits, notices, etc....	1	.....	1	.....
SANITATION				
Tollet facilities:				
Water closets	101	65	166	46
Wash rooms	1	1	2	.....
Dressing rooms	3	3	6	2
Cleanliness or repair of salesrooms.....	1	.....	1	.....
Lighting	1	.....	1	1
Meals	14	5	19	7
Drinking water and drinking cups.....	.....	1	1	1
ACCIDENT PREVENTION				
Stairs .....	.....	.....	.....	.....
CHILDREN				
Under 14 years of age.....	115	161	276	134
From 14 to 16 years of age:				
Without certificates	70	114	184	60
Hours	29	58	87	54
Employment in basements .....	.....	.....	.....	.....
Employed in carrying and distribut- ing newspapers.....	.....	1	1	1
WOMEN AND MALE MINORS				
Hours	143	249	392	260
Seats for women.....	4	5	9	4
DAY OF REST				
Day of rest.....	51	152	203	92
MISCELLANEOUS				
Payment of wages.....	.....	2	2	2
Not specified	16	21	37	9
Total				
1918.....	550	838	1,388	673
1917.....	517	909	1,426	937
1916*.....	508	685	1,193	814
1915.....	534	633	1,167	753
1914.....	447	466	913	556
1913.....	145	108	253	97
1912.....	95	140	235	77
1911.....	122	100	222	81

* Nine months ended June 30, 1916.

Table 33 — CASES OF OCCUPATIONAL DISEASE REPORTED TO DEPARTMENT OF LABOR UNDER SECTION 65 OF LABOR LAW IN SEVEN YEARS

INDUSTRY	YEAR ENDED AUGUST 31, 1918		YEAR ENDED AUGUST 31, 1917		YEARS ENDED AUGUST 31, 1912-1918, INCLUSIVE	
	Number of cases	Thereof deaths*	Number of cases	Thereof deaths*	Number of cases	Thereof deaths*
Lead Poisoning						
Painting.....	16	2	59	6	334	61
House, structural or ship.....	13	2	56	5	259	50
Factory or shop.....	3	.....	3	1	75	11
Automobiles.....	1	.....	1	.....	24	1
Carrriages and wagons.....	1	.....	.....	.....	23	6
Signs, illustrations, theatrical scenery.....	.....	.....	1	1	8	1
Agricultural implements.....	.....	.....	.....	.....	5	.....
Cars.....	.....	.....	.....	.....	3	1
Sheet metal work.....	.....	.....	.....	.....	3	.....
Engines.....	.....	.....	1	.....	2	1
Airplanes.....	.....	.....	.....	.....	1	.....
Barbers' supplies.....	.....	.....	.....	.....	1	.....
Bicycles.....	.....	.....	.....	.....	1	.....
Electrical goods.....	.....	.....	.....	.....	1	.....
Pianos.....	.....	.....	.....	.....	1	.....
Window shades.....	.....	.....	.....	.....	1	1
Machinery.....	1	.....	.....	.....	1	.....
Manufacturing.....	18	2	71	4	279	22
Storage batteries.....	4	.....	47	.....	126	3
White lead, paints and colors.....	4	.....	10	2	59	4
Smelting or casting lead, solder, etc.....	3	1	5	1	18	4
Printing.....	1	.....	.....	.....	17	4
Wire goods.....	.....	.....	1	.....	7	.....
Electrical goods.....	5	.....	.....	.....	6	1
Brass and copper goods.....	.....	.....	.....	.....	6	.....
Rubber goods.....	.....	.....	1	.....	6	.....
Tin cans.....	1	.....	.....	.....	6	2
Smelting copper.....	.....	1	.....	.....	4	.....
Cut glass.....	.....	.....	.....	.....	3	1

Caisson Disease	
Caisson work (tunnels, shafts, etc.)	458
Total — Lead Poisoning	96
Plumbing	10
Electrical power station	6
Electrical cable repairs	1
Tree spraying	1
Miscellaneous or indefinite	24
Total	655
Lead Poisoning	96
Sheet metal work	1
Brewery	1
White metal goods	1
Arsenate of lead	1
Artificial flowers	1
Bridges	1
Canned goods	1
Casket trimmings	1
Chinaaware	1
Cigars	1
Cream separators	1
Projectiles	1
Pumps	1
Telephones	1
Type	1
Typewriters	1
Surgical instruments	1
Plumbing	2
Electrical power station	2
Electrical cable repairs	2
Tree spraying	2
Miscellaneous or indefinite	38
Total	229

Anthrax				
Tanneries	3	7	24	5
Docks and warehouses (handling skins)	6	3	13	3
Fur and skin work	2	1	4	3
Brush making	2	2	4	1
Boat and shoe manufacture	2	1	1	1
Driver	2	1	1	1
Dry goods store	2	1	1	1
Junk handler	2	1	1	1
Rugs, woolen (manufacture)	2	1	1	1
Veterinary practice	2	1	1	1

* Represent cases in which disease report or death certificate showed the occupational disease to have been the immediate or a contributory cause of death.

Table 33 — CASES OF OCCUPATIONAL DISEASE REPORTED TO DEPARTMENT OF LABOR UNDER SECTION 65 OF LABOR LAW IN SEVEN YEARS — (Concluded)

INDUSTRY	YEAR ENDED AUGUST 31, 1918		YEAR ENDED AUGUST 31, 1917		YEARS ENDED AUGUST 31, 1912-1916, INCLUSIVE	
	Number of cases	Thereof deaths*	Number of cases	Thereof deaths*	Number of cases	Thereof deaths*
Anthrax — (Concluded)						
Stable man	1	1	.....	.....	1	1
Miscellaneous	4	1	.....	.....	4	1
Total — Anthrax	18	2	16	5	60	15
Brass Poisoning						
Brass goods (manufacture) .....	.....	.....	1	1	4	1
Automobiles (manufacture) .....	.....	.....	.....	.....	3	1
Printing .....	.....	.....	1	1	2	1
Optical instruments (manufacture) .....	.....	.....	.....	.....	1	.....
Photographic apparatus (manufacture) .....	.....	.....	.....	.....	1	.....
Railway repair shop .....	.....	.....	.....	.....	1	.....
Safes (manufacture) .....	.....	.....	.....	.....	1	.....
Thermometers (manufacture) .....	.....	.....	.....	.....	1	.....
Miscellaneous	2	.....	.....	.....	1	.....
Total — Brass Poisoning	2	.....	2	2	18	2
Arsenic Poisoning						
Paris green (manufacture)	1	.....	7	.....	10	.....
Arsenate of lead (manufacture) .....	.....	.....	1	.....	1	.....
Drugs (manufacture) .....	.....	.....	.....	.....	1	.....
Paints (manufacture) .....	.....	.....	.....	.....	1	.....
Fannery .....	.....	.....	.....	.....	1	.....
Insect exterminating	1	.....	.....	.....	1	.....
Total — Arsenic Poisoning	2	.....	8	.....	15	.....

Mercury Poisoning

Chemicals (manufacture) .....	.....	.....	.....	1	.....	2	1
Thermometers (manufacture) .....	.....	.....	.....	1	.....	2	.....
Batters for (manufacture)	1	.....	.....	.....	.....	2	.....
Furs (handling) .....	.....	.....	.....	.....	.....	1	.....
Glass blowing .....	.....	.....	.....	.....	.....	1	.....
Rubber goods (manufacture) .....	.....	.....	.....	.....	.....	1	1
Total — Mercury Poisoning	1	.....	.....	2	.....	9	2

Wood Alcohol Poisoning

Painting .....	.....	.....	.....	.....	.....	2	1
Alcohol (manufacture)	1	.....	.....	.....	.....	1	.....
Total — Alcohol Poisoning	1	.....	.....	.....	.....	3	1

Phosphorus Poisoning

Matches (manufacture) .....	.....	.....	.....	.....	.....	1	1
Grand Total	291	8	262	20	.....	1,219	121

* Represent cases in which disease report or death certificate showed the occupational disease to have been the immediate or a contributory cause of death.

Table 34 — CHILD LABOR CERTIFICATES REPORTED ISSUED IN YEAR
ENDED JUNE 30, 1918

LOCALITY	NUMBER OF CERTIFICATES ISSUED TO—		LOCALITY	NUMBER OF CERTIFICATES ISSUED TO—	
	Boys	Girls		Boys	Girls
ALBANY COUNTY	490	257	CATTARAUGUS COUNTY — (Concluded)		
<i>Cities</i>			<i>Towns</i>		
Albany	320	155	Allegheny	1	...
Cohoes	96	59	Carrollton	1	...
Watervliet	45	25	Ellicottville	2	...
<i>Villages</i>			Farmersville	3	...
Altamont	1	...	Franklinville	3	1
Green Island	8	5	Great Valley	3	2
Ravena . . . . .	...	4	Portville . . . . .	...	1
<i>Towns</i>			CAYUGA COUNTY	115	71
Coeymans (Coeymans)	8	1	<i>Cities</i>		
Colonie	11	6	Auburn	93	60
Guilderland	1	2	<i>Villages</i>		
ALLEGANY COUNTY	20	4	Cayuga	1	...
<i>Villages</i>			Meridian . . . . .	...	1
Andover	6	1	Moravia	10	3
Bollivar	5	...	Port Byron	1	4
Richburg	2	1	Weedsport	1	1
Wellsville	6	1	<i>Towns</i>		
<i>Towns</i>			Aurelius	2	...
Wellsville	1	1	Brutus	1	1
BRONX COUNTY (See under New York City).*			Conquest	1	...
BROOME COUNTY	153	110	Fleming	1	...
<i>Cities</i>			Ira	1	...
Binghamton	105	87	Springport	2	...
<i>Villages</i>			Victory	1	1
Deposit	5	...	CHAUTAUQUA COUNTY	263	141
Endicott	7	3	<i>Cities</i>		
Johnson City	18	10	Dunkirk	62	53
Port Dickinson	1	...	Jamestown	161	73
Union	5	6	<i>Villages</i>		
<i>Towns</i>			Bemus Point	1	...
Dickinson	3	...	Brocton	3	...
Sanford	6	2	Falconer	10	4
Vestal	3	2	Forestville	1	...
CATTARAUGUS COUNTY	104	50	Fredonia	4	7
<i>Cities</i>			Mayville	3	...
Olean	68	31	Silver Creek	5	2
Salamanca	4	2	Westfield	1	1
<i>Villages</i>			<i>Towns</i>		
Allegheny	3	5	Carroll (Frewsburg)	1	...
Cattaraugus	1	...	Ellery	2	...
Franklinville	3	3	Ellington	2	...
Gowanda	6	3	Gerry	1	...
Little Valley	4	1	Portland	2	...
Portville	2	1	Sheridan	4	1
			CHEMUNG COUNTY	128	74
			<i>Cities</i>		
			Elmira	87	53

* At end of table.

NOTE — Localities in parentheses represent unincorporated villages of manufacturing importance.

Table 34—CHILD LABOR CERTIFICATES REPORTED ISSUED IN YEAR
ENDED JUNE 30, 1918—(Continued)

LOCALITY	NUMBER OF CERTIFICATES ISSUED TO—		LOCALITY	NUMBER OF CERTIFICATES ISSUED TO—	
	Boys	Girls		Boys	Girls
CHEMUNG COUNTY—(Con- cluded)			COLUMBIA COUNTY—(Con- cluded)		
<i>Villages</i>			<i>Towns</i>		
Elmira Heights	30	15	Copake	1	1
Wellsburg	3	2	Greenport	2	...
<i>Towns</i>			Hillsdale	2	...
Ashland	1	...	Stockport (Columbia- ville, Stottville, Stuyvesant Falls) ..	5	7
Big Flats (Big Flats) ..	2	2	Stuyvesant (Newton Hook)	2	5
Southport	3	2			
Van Etten	2	...			
CHEMUNGO COUNTY	19	8	CORTLAND COUNTY	35	20
<i>Cities</i>			<i>Cities</i>		
Norwich	3	5	Cortland	19	5
<i>Villages</i>			<i>Villages</i>		
Afton	2	...	Homer	6	4
Bainbridge	5	1	McGraw	10	5
Earlville (See Madi- son County)			<i>Towns</i>		
Greene	1	...	Cortlandville .....	...	3
New Berlin	1	...	Harford .....	...	2
Oxford	2	...	Lapeer .....	...	1
Sherburne	3	2			
<i>Towns</i>			DELAWARE COUNTY	14	10
Smyrna	2	...	<i>Villages</i>		
CLINTON COUNTY	17	17	Deposit (See Broome County)		
<i>Cities</i>			Hobart	3	...
Plattsburg	8	8	Sidney	3	2
<i>Villages</i>			Walton	3	7
Champlain	2	1	<i>Towns</i>		
Keeseeville	3	6	Deposit	2	1
<i>Towns</i>			Stamford	2	...
Ausable	1	...	Tompkins	1	...
Black Brook	2	...			
Plattsburg (Cadyville, Morrisonville)	1	1	DUTCHESS COUNTY	111	84
Saranac (Standish) ..	...	1	<i>Cities</i>		
COLUMBIA COUNTY	58	45	Beacon	21	26
<i>Cities</i>			Poughkeepsie	60	43
Hudson	36	17	<i>Villages</i>		
<i>Villages</i>			Fishkill	1	...
Kinderhook .....	...	2	Millbrook .....	...	1
Philmont	3	7	Millerton	1	...
Valatie	4	5	Pawling	1	2
<i>Towns</i>			Pleasant Valley	†	†
Ancram	1	...	Rhinebeck	2	1
Canaan	†	†	Wappingers Falls	7	4
Claverack	1	...	<i>Towns</i>		
Clermont	1	1	Amenia	2	...
			Dover	2	...
			Fishkill (Brockway, Dutchess Junction, Glenham)	5	5

† Not reported.

Table 34—CHILD LABOR CERTIFICATES REPORTED ISSUED IN YEAR
ENDED JUNE 30, 1918—(Continued)

LOCALITY	NUMBER OF CERTIFICATES ISSUED TO—		LOCALITY	NUMBER OF CERTIFICATES ISSUED TO—	
	Boys	Girls		Boys	Girls
DUTCHESS COUNTY—(Con- cluded)			FULTON COUNTY		
<i>Towns</i>			<i>Cities</i>		
North East	3	1	Gloversville	89	64
Pawling	2	1	Johnstown	46	25
Pleasant Valley	†	†	<i>Villages</i>		
Poughkeepsie	4	...	Dolgeville (See Herki- mer County)	2	...
ERIE COUNTY			Northville .....	...	1
<i>Cities</i>			<i>Towns</i>		
Buffalo	1,719	951	Broadalbin (Broadal- bin)	6	7
Lackawanna	57	18	Johnstown	4	2
Tonawanda	49	22	Perth	2	1
<i>Villages</i>			GENESEE COUNTY		
Akron	15	2	<i>Cities</i>		
Alden .....	...	1	Batavia	40	21
Angola	4	...	<i>Villages</i>		
Blasdell	1	2	Bergen	4	2
Depew	14	...	LeRoy	10	5
East Aurora	9	2	Oakfield	4	...
Farnham	3	3	<i>Towns</i>		
Gowanda (See Catta- raugus County)	6	2	Darien	4	2
Hamburg	10	7	LeRoy	8	1
Kenmore	7	...	Oakfield	1	...
Lancaster	15	15	Pembroke	8	...
Sloan	1	3	GREENE COUNTY		
Springville	11	5	<i>Villages</i>		
Williamsville .....	...	...	Athens	1	...
<i>Towns</i>			Catskill	14	4
Amherst	5	2	Coxsackie	4	6
Aurora	2	...	Tannersville .....	...	2
Brant .....	...	2	<i>Towns</i>		
Cheektowaga	11	12	Catskill (Alsen, Ce- menton)	3	1
East Hamburg	13	6	Lexington	2	1
Hamburg	2	...	HERKIMER COUNTY		
Tonawanda	8	10	<i>Cities</i>		
West Seneca	13	8	Little Falls	41	20
ESSEX COUNTY			<i>Villages</i>		
<i>Villages</i>			Dolgeville	11	30
Keeseville (See Clin- ton County) .....	...	1	Frankfort	10	5
Lake Placid .....	...	...	Herkimer	19	18
Saranac Lake (See Franklin County)	6	...	Ilion	20	10
Ticonderoga .....	...	...	Middleville	6	3
<i>Towns</i>			Mohawk	5	4
North Elba	1	...	Newport	5	4
FRANKLIN COUNTY			Old Forge	1	...
<i>Villages</i>			West Winfield	1	...
Chateaugay	3	2	<i>Towns</i>		
Malone .....	...	1	Danube	4	...
Saranac Lake	7	1	Norway	1	...
Tupper Lake	6	3			
<i>Towns</i>					
Duane	1	...			
Franklin	3	1			
Harrietstown	5	...			
Waverly (St. Regis Falls)	12	...			

† Not reported.

Table 34 — CHILD LABOR CERTIFICATES REPORTED ISSUED IN YEAR
ENDED JUNE 30, 1918 — (Continued)

LOCALITY	NUMBER OF CERTIFICATES ISSUED TO—		LOCALITY	NUMBER OF CERTIFICATES ISSUED TO—	
	Boys	Girls		Boys	Girls
HERKIMER COUNTY — (Con- cluded)			MADISON COUNTY		
<i>Towns</i>				31	11
Ohio	2	1	<i>Cities</i>		
Salisbury	5	...	Oneida	15	9
Webb (McKeever)	1	...	<i>Villages</i>		
Winfield	2	...	Canastota	3	...
JEFFERSON COUNTY	63	33	Cazenovia	2	1
<i>Cities</i>			Chittenango	1	...
Watertown	35	19	Earlville	1	...
<i>Villages</i>			Hamilton . . . . .	...	1
Antwerp	4	2	Wampsville	1	...
Black River	1	1	<i>Towns</i>		
Brownville	1	...	Eaton	1	...
Cape Vincent	6	...	Fenner	2	...
Carthage	7	3	Lebanon	2	...
West Carthage	3	6	Madison	2	...
<i>Towns</i>			Nelson	1	...
Brownville	2	...	MONROE COUNTY	1,320	1,026
Wina (Deferiet)	3	1	<i>Cities</i>		
Worth	1	1	Rochester	1,148	922
KINGS COUNTY (See under New York City).*			<i>Villages</i>		
LEWIS COUNTY	9	8	Brockport	18	4
<i>Villages</i>			Churchville	1	...
Lowville	1	...	East Rochester	15	21
Lyons Falls	2	1	Fairport	22	9
Port Leyden	3	3	Hilton	3	2
<i>Towns</i>			Honeoye Falls	8	...
Lewis	1	...	Pittsford . . . . .	...	1
New Bremen (Beaver Falls)	2	4	Scottsville	9	...
LIVINGSTON COUNTY	39	13	Spencerport	4	3
<i>Villages</i>			Webster	3	2
Dansville	14	4	<i>Towns</i>		
Geneseo	2	5	Brighton	2	...
Leicester	2	...	Gates (Gates, Lincoln Park)	43	35
Lima	5	...	Greece (Charlotte)	29	17
Mount Morris	8	3	Hamlin	1	...
<i>Towns</i>			Irondequoit . . . . .	...	3
Avon	2	1	Ogden	6	...
Conesus	2	...	Penfield	2	3
Geneseo	1	...	Perinton	2	2
Leicester	1	...	Pittsford	1	2
Lima	1	...	Wheatland (Garbutt)	3	...
Mount Morris	1	...	MONTGOMERY COUNTY	172	126
			<i>Cities</i>		
			Amsterdam	136	103
			<i>Villages</i>		
			Canajoharie	8	2
			Fonda	5	2
			Fort Johnson	6	...
			Fort Plain	5	6
			Fultonville	2	...
			Hagaman	2	4
			Nelliston	3	1
			St. Johnsville	4	6

* At end of table.

† Not reported.

Table 34—CHILD LABOR CERTIFICATES REPORTED ISSUED IN YEAR
ENDED JUNE 30, 1918—(Continued)

LOCALITY	NUMBER OF CERTIFICATES ISSUED TO—		LOCALITY	NUMBER OF CERTIFICATES ISSUED TO—	
	Boys	Girls		Boys	Girls
MONTGOMERY COUNTY — (Concluded)			ONEIDA COUNTY		
<i>Towns</i>			<i>Cities</i>	428	360
Florida	1	...	Rome	70	55
Root .....	...	2	Sherrill	9	3
			Utica	243	241
<i>Villages</i>			<i>Towns</i>		
NASSAU COUNTY	128	66	Bridgewater	2	...
<i>Cities</i>			Camden	27	6
Glen Cove	2	1	Clayville	6	3
<i>Villages</i>			Clinton	3	...
Cedarhurst	3	...	New Hartford	1	1
Farmingdale	8	...	Oriskany	4	2
Floral Park	1	1	Oriskany Falls	7	7
Freeport	30	7	Prospect	1	...
Hempstead	12	4	Remsen	1	...
Lawrence	†	†	Vernon	3	3
Lynbrook	9	2	Waterville	1	1
Mineola	4	3	Whitesboro	9	6
Rockville Center	3	3	Yorkville	4	2
<i>Towns</i>			<i>Villages</i>		
Hempstead (Garden			Augusta (Knoxboro)..	3	2
City)	51	38	Ava .....	...	1
Oyster Bay (Hicks-			Boonville .....	...	1
ville, Port Wash-			Deerfield	1	...
ington)	5	7	Kirkland (Clark Mills)	1	1
			Marcy (Stittville)...	2	2
			Marshall	1	...
			New Hartford (Ca-		
			pron, Chadwicks)...	18	5
			Paris	3	9
			Sangerfield	1	2
			Steuben	1	...
			Trenton	1	...
			Whitestown (New York		
			Mills)	5	7
NEW YORK COUNTY (See			ONONDAGA COUNTY	696	403
under New York			<i>Cities</i>		
City).*			Syracuse	594	348
NIAGARA COUNTY	311	158	<i>Villages</i>		
<i>Cities</i>			Baldwinsville	6	2
Lockport	52	30	Camillus	2	3
Niagara Falls	115	62	East Syracuse	8	6
North Tonawanda ...	96	41	Eastwood	5	3
<i>Villages</i>			Fabius	2	3
Barker	6	...	Liverpool	4	2
La Salle	11	...	Manlius	9	2
Lewiston	1	...	Marcellus	10	6
Middleport	2	9	Minoa	1	...
<i>Towns</i>			Solvay	21	7
Hartland (Hartland)..	...	1	Skaneateles	4	10
Lewistown (Model-			<i>Towns</i>		
town)	3	3	Camillus	4	3
Lockport .....	...	2	DeWitt (DeWitt)...	10	...
Newfane (Newfane)..	10	4	Elbridge	1	1
Pendleton	3	2	Fabius	2	1
Porter (Ransomville).	2	...	Geddes	2	...
Royalton (Gasport)...	4	4			
Wheatfield	1	...			
Wilson	5	...			

* At end of table.

† Not reported.

Table 34—CHILD LABOR CERTIFICATES REPORTED ISSUED IN YEAR
ENDED JUNE 30, 1918—(Continued)

LOCALITY	NUMBER OF CERTIFICATES ISSUED TO—		LOCALITY	NUMBER OF CERTIFICATES ISSUED TO—	
	Boys	Girls		Boys	Girls
ONONDAGA COUNTY—(Con- cluded)			ORLEANS COUNTY—(Con- cluded)		
Towns			Towns		
Lysander	1	...	Albion . . . . .	...	1
Salina	7	3	Carlton	1	...
Skaneateles (Skane- ateles Falls)	3	2	Clarendon	3	...
Van Buren . . . . .	...	1	Kendall	2	...
			Murray	3	6
			Shelby . . . . .	...	1
ONTARIO COUNTY	75	38	OSWEGO COUNTY	190	121
Cities			Cities		
Canandaigua	7	8	Fulton	33	16
Geneva	46	25	Oswego	106	92
Villages			Villages		
Clifton Springs	2	...	Altmar	7	...
Naples	1	...	Cleveland	3	1
Phelps	1	...	Hannibal	6	...
Rushville	1	...	Lacona	4	...
Shortsville	5	...	Mexico	16	6
Victor	2	...	Pulaski	1	1
Towns			Towns		
Canandaigua	1	2	Albion	4	...
Hopewell	5	...	Amboy	1	1
Manchester	1	...	Constantia	1	...
Phelps	3	3	Palermo . . . . .	...	1
ORANGE COUNTY	164	108	Sandy Creek	3	...
Cities			Schroepfel	1	...
Middletown	33	38	Scriba	2	1
Newburgh	55	26	Volney (Minetto)	2	1
Port Jervis	12	14	Minetto . . . . .	...	1
Villages			OTSEGO COUNTY	35	21
Cornwall	4	1	Cities		
Goshen	3	...	Oneonta	14	12
Highland Falls	2	1	Villages		
Montgomery	5	...	Cooperstown	2	...
Unionville . . . . .	...	2	Gilbertsville	†	†
Walden	13	10	Morris	1	2
Warwick	9	2	Otego	2	...
Washingtonville	2	...	Richfield Springs	1	...
Towns			Unadilla	3	...
Cornwall (Firthcliffe)	10	7	Millford	3	...
Deerpark	1	...	Oneonta . . . . .	...	1
Highlands	1	...	Otego	2	...
Montgomery	2	1	Otsego	1	...
Mount Hope . . . . .	...	1	Richfield	6	6
Newburgh (Roseton)	3	...	PUTNAM COUNTY	13	14
New Windsor (New Windsor)	6	2	Villages		
Wawayanda	1	...	Brewster	2	4
Woodbury	2	3	Cold Spring	4	2
ORLEANS COUNTY	42	22	Nelsonville . . . . .	...	3
Villages			Towns		
Albion	13	12	Patterson	4	3
Holley	5	...	Phillipstown	3	2
Lyndonville	2	...			
Medina	13	2			

† Not reported.

Table 34 — CHILD LABOR CERTIFICATES REPORTED ISSUED IN YEAR
ENDED JUNE 30, 1918 — (Continued)

LOCALITY	NUMBER OF CERTIFICATES ISSUED TO —	
	Boys	Girls
QUEENS COUNTY (See under New York City).*		
RENSSELAER COUNTY	282	175
<i>Cities</i>		
Rensselaer	19	4
Troy	220	139
<i>Villages</i>		
Castleton	3	1
Hoosick Falls	25	19
Nassau	1	1
Valley Falls	2	2
Schaghticoke	2	...
<i>Towns</i>		
Berlin (Berlin)	1	...
East Greenbush .....	...	1
Petersburgh	2	...
Pittstown	1	1
Poestenkill	1	1
Sand Lake (Averill Park)	7	5
Schaghticoke .....	...	1
RICHMOND COUNTY (See under New York City).*		
ROCKLAND COUNTY	70	53
<i>Villages</i>		
Haverstraw	5	9
Hillburn	5	3
Nyack	5	1
Spring Valley	11	8
Suffern	8	4
West Haverstraw	1	...
<i>Towns</i>		
Clarkstown	13	8
Haverstraw (Garner- ville) .....	...	1
Orangetown (Orange- burg, Pearl River) ..	17	17
Ramapo (Ramapo) ..	2	1
Stony Point	3	1
ST. LAWRENCE COUNTY....	72	44
<i>Cities</i>		
Ogdensburg	18	19
<i>Villages</i>		
Edwards	3	1
Gouverneur	6	9
Hammond	1	...
Heuvelton	†	†
Massena	7	1
Potsdam	16	8
Rensselaer Falls	4	...
ST. LAWRENCE COUNTY — (Concluded)		
<i>Towns</i>		
Edwards	3	1
Lawrence	4	...
Macomb	1	1
Norfolk (Norfolk)...	8	4
Oswegatchie	†	†
Stockholm	1	...
SARATOGA COUNTY	83	53
<i>Cities</i>		
Mechanicville	8	4
Saratoga Springs....	23	17
<i>Villages</i>		
Ballston Spa	8	2
Corinth	7	3
Galway .....	...	1
Schuylerville	2	6
South Glens Falls...	2	2
Stillwater	1	...
Victory Mills	6	3
Waterford	10	4
<i>Towns</i>		
Clifton Park	2	...
Galway .....	...	1
Halfmoon	1	...
Saratoga	2	...
Stillwater	3	3
Waterford	8	7
SCHENECTADY COUNTY ...	425	158
<i>Cities</i>		
Schenectady	406	154
<i>Villages</i>		
Scotia	18	3
<i>Towns</i>		
Glenville	1	1
SCHOHARIE COUNTY	13	11
<i>Villages</i>		
Cobleskill	6	9
Esperance	1	...
<i>Towns</i>		
Carlisle .....	...	2
Cobleskill (Howe's Cave)	4	...
Esperance	1	...
Schoharie	1	...

* At end of table.

† Not reported.

Table 34 — CHILD LABOR CERTIFICATES REPORTED ISSUED IN YEAR
ENDED JUNE 30, 1918 — (Continued)

LOCALITY	NUMBER OF CERTIFICATES ISSUED TO—		LOCALITY	NUMBER OF CERTIFICATES ISSUED TO—	
	Boys	Girls		Boys	Girls
SCHUYLER COUNTY	8	6	SULLIVAN COUNTY	7	6
<i>Villages</i>			<i>Villages</i>		
Montour Falls	2	...	Monticello	1	1
Watkins	5	4	<i>Towns</i>		
<i>Towns</i>			Callicoon	1	...
Dix	1	...	Cochecton .....	...	1
Orange .....	...	2	Fremont	2	1
SENECA COUNTY	38	22	Rockland	3	3
<i>Villages</i>			TIAGA COUNTY	18	12
Seneca Falls	18	4	<i>Villages</i>		
Waterloo	18	18	Candor	1	...
<i>Towns</i>			Owego	8	10
Seneca Falls	1	...	Spencer	2	1
Waterloo (Border City)	1	...	Waverly	6	...
STEBUEN COUNTY	119	55	<i>Towns</i>		
<i>Cities</i>			Owego	1	1
Corning	39	8	TOMPKINS COUNTY	28	15
Hornell	40	22	<i>Cities</i>		
<i>Villages</i>			Ithaca	18	12
Addison	2	...	<i>Villages</i>		
Avoca	1	2	Freeville	1	...
Bath .....	...	1	Groton	1	...
Canisteo	2	1	<i>Towns</i>		
Cohocton	8	4	Caroline	3	1
Hammondsport	5	3	Dryden	3	...
Painted Post	4	...	Lansing (Myers, Port- land Point)	2	2
Wayland	9	7	ULSTER COUNTY	220	140
<i>Towns</i>			<i>Cities</i>		
Bath .....	...	1	Kingston	161	111
Cohocton	2	1	<i>Villages</i>		
Hornby	1	...	Ellenville	7	3
Hornellsville	1	...	Marlborough	1	...
Howard	1	...	Rosendale	3	3
Lindley	1	4	Saugerties	9	10
Tuscarora	1	...	<i>Towns</i>		
Urbana	1	...	Lloyd (Highland)....	8	2
Wayland	1	1	Marbletown	1	...
SUFFOLK COUNTY	88	68	Rochester .....	...	1
<i>Villages</i>			Rosendale	3	2
Amityville	7	4	Saugerties (Glasco)...	2	...
Babylon	3	2	Shandaken (Chiches- ter)	12	2
Greenport	5	1	Shawangunk (Wall- kill)	4	2
Patchogue	9	13	Ulster (East Kings- ton, Flatbush) .....	...	1
Sag Harbor	3	4	Wawarsing (Napa- noch)	9	3
<i>Towns</i>					
Babylon (Linden- hurst)	19	10			
Brookhaven (Port Jef- ferson)	15	10			
Huntington (Hunting- ton)	6	4			
Islip (Bay Shore)....	15	14			
Riverhead (River- head)	4	5			
Southampton	2	1			

Table 34 — CHILD LABOR CERTIFICATES REPORTED ISSUED IN YEAR
ENDED JUNE 30, 1918 — (Concluded)

	NUMBER OF CERTIFICATES ISSUED TO—			NUMBER OF CERTIFICATES ISSUED TO—	
	Boys	Girls		Boys	Girls
WARREN COUNTY	36	22	WESTCHESTER COUNTY — (Concluded)		
<i>Cities</i>			<i>Villages</i>		
Glens Falls	25	21	Irvington	1	...
<i>Towns</i>			Larchmont	4	3
Bolton	1	...	Mamaroneck	13	1
Horicon	1	...	Mount Kisco	3	2
Luzerne	6	1	North Pelham	7	3
Queensbury	2	...	North Tarrytown	11	1
Warrensburg (War-	...	...	Ossining	4	6
rensburg)	1	...	Peekskill	23	7
WASHINGTON COUNTY	52	36	Pleasantville	9	...
<i>Villages</i>			Port Chester	37	24
Cambridge	1	3	Rye .....	...	4
Fort Ann	3	...	Tarrytown	3	1
Fort Edward	7	...	Tuckahoe	5	11
Granville	4	8	<i>Towns</i>		
Greenwich .....	...	2	Bedford	1	...
Hudson Falls	5	3	Cortlandt (Buchanan,		
Salem	2	2	Montrose, Verplanck)	11	8
Whitehall	6	8	Harrison	14	2
<i>Towns</i>			Mt. Pleasant	2	2
Argyle	5	...	New Castle	1	...
Easton	2	...	Rye	2	...
Greenwich (Middle			WYOMING COUNTY	54	31
Falls, Thomson) ...	4	2	<i>Villages</i>		
Kingsbury	8	3	Arcade	2	1
Salem	5	5	Attica	5	1
WAYNE COUNTY	54	42	Castile	3	2
<i>Villages</i>			Perry	17	22
Clyde	5	6	Silver Springs	1	...
Lyons	5	11	Warsaw	17	5
Newark	6	4	Wyoming	6	...
Palmyra	4	2	<i>Towns</i>		
Red Creek	2	...	Bennington	1	...
Savannah .....	...	2	Middlebury	2	...
Wolcott	7	5	YATES COUNTY	11	2
<i>Towns</i>			<i>Villages</i>		
Arcadia	2	1	Penn Yan	9	1
Galen	1	...	Rushville (See Ontario		
Macedon	1	2	County).		
Marion (Marion)	4	1	<i>Towns</i>		
Ontario (Ontario)	1	2	Milo	2	1
Rose (North Rose)	6	1	TOTAL STATE — Exclusive		
Sodus (Sodus)	6	5	of New York City	9,953	6,086
Williamson (William-					
son)	4	...			
WESTCHESTER COUNTY	627	394	LOCALITY		Number of cer-
<i>Cities</i>					tificates
Mount Vernon	104	68	NEW YORK CITY	44,667	issued
New Rochelle	57	55	Bronx Borough	5,817	
White Plains	15	17	Brooklyn Borough	17,360	
Yonkers	286	174	Manhattan Borough	16,775	
<i>Villages</i>			Queens Borough	3,882	
Ardsley	1	...	Richmond Borough	833	
Bronxville	1	...	TOTAL STATE	60,706	
Dobbs Ferry†	2	1			
Elmsford	4	3			
Hastings-on-Hudson ..	6	1			

† Incomplete.

PART II
REPORT OF BUREAU OF WORKMEN'S
COMPENSATION

[97]

(1) REPORT OF SECOND DEPUTY COMMISSIONER

IN CHARGE OF BUREAU OF WORKMEN'S COMPENSATION

To the Industrial Commission:

This is the report of the Bureau of Workmen's Compensation for the year ending June 30, 1918. It is the fourth annual report. It is respectfully suggested that the previous reports be read in connection herewith in order to obtain a full history of the administration and development of the Workmen's Compensation Law in the State.

The volume and amount of work done by the bureau is indicated in the tables below. Tables are also given to show the experience of previous years:

REPORT ON DISABILITY CASES

ACCIDENTS ANTEDATING July 1, 1917	New York	Albany	Syracuse	Rochester	Buffalo	Total
Number of old cases pending July 1, 1917	*2,903	.....	.....	.....	.....	*2,903
Number of old cases filed or received subsequent to July 1, 1917.....	2,954	650	848	817	1,204	6,473
Number of such pending (undisposed of) on July 1, 1918.....	260	.....	52	133	31	.....
Number of such pending (undisposed of) at close of business October 31, 1918	199	24	70	95	20	408
Number of such pending (undisposed of) at close of business October 31, 1918, because impossible to dispose of now	197	24	70	95	12	398

ACCIDENTS POSTDATING June 30, 1917

Number of cases in which the accident happened on or after July 1, 1917, and before July 1, 1918, received up to close of business October 31, 1918, docketed and indexed	28,983	5,255	5,184	4,627	7,459	51,508
Number of such pending July 1, 1918	468	374	194	663	206	1,905
Number of such pending at close of business October 31, 1918.....	278	282	151	301	96	1,108
Number of such impossible to dispose of now	217	136	151	301	58	863

* Figures for the entire state.

REPORT ON DEATH CASES

DEATHS ANTEDATING July 1, 1917	New York	Albany	Syra- cuse	Roch- ester	Buffalo	Total
Number of cases pending July 1, 1917	302	1	4	32	20	359
Number of cases in which the death antedated July 1, 1917, received subsequent to that date	120	17	22	20	32	211
Number of such pending July 1, 1918	150	.....	6	28	12	.....
Number of such pending October 31, 1918	103	.....	6	23	8	140
Number of such impossible to dispose of new	75	.....	6	23	5	109
DEATHS POSTDATING June 30, 1917						
Number of cases in which the death occurred on or after July 1, 1917, and before July 1, 1918, received and filed up to the close of business October 31, 1918	861	141	143	115	244	1,504
Number of such pending July 1, 1918	145	.....	20	58	17	.....
Number of such pending October 31, 1918	95	24	14	38	20	191

Other interesting facts are:

The Commission proper heard 2,275 cases. Of this number, 672 appeared on the calendar more than once.

Two thousand four hundred cases passed through the office of the Deputy Commissioner in charge, comprising cases referred by Deputy Commissioners, by the Claims Division, and including, also, cases in which decision was reserved from his own calendar of death cases.

In New York City 132,663 accidents were reported, exclusive of claims and agreements filed; in Albany, 21,240; in Syracuse, 22,854; in Rochester, 21,480; in Buffalo, 35,622; for the State, therefore, 233,859.

In New York City 17,747 agreements were received; in Albany, 2,819; in Syracuse, 2,610; in Rochester, 3,019; in Buffalo, 4,452; for the State, therefore, 30,647.

In New York City 12,608 claims were received; in Albany, 2,438; in Syracuse, 1,890; in Rochester, 1,608; in Buffalo, 3,007; for the State, therefore, 21,551.

In the New York City district there were 29,575 cases on the public calendars, including principal office and outside hearings, counting each case every time it appeared; in the Albany district, 5,480; in the Syracuse district, 5,321; in the Rochester district,

4,074; in the Buffalo district, 5,640; thus, for the entire State, 50,090.

In the Albany district 143 cases were heard outside the district office; in the Syracuse district, 526 cases; in the Rochester district, 853 cases; in the Buffalo district, 360 cases.

In the New York City district there were 19,766 cases on the calendars, including principal office and outside hearings, counting each case but once, even though it appeared more than once; in the Albany district, 3,691 cases; in the Syracuse district, 4,336 cases; in the Rochester district, 2,468 cases; in the Buffalo district, 3,787 cases; making a total of 34,048 cases, or 66 per cent of the whole number of claims and agreements.

In the New York City district 4,804 agreement cases subsequently reached the disputed calendars; in the Albany district, 138; in the Syracuse district, 152; in the Rochester district, 489; in the Buffalo district, 435.

In New York City the Medical Division passed upon approximately 4,500 fee bills.

In the New York City district 985 medical cases disputed as to fees reached the calendar; in the Albany district, 20; in the Syracuse district, 13; in the Rochester district, 57; in the Buffalo district, 20.

In the New York City district there were 20 re-marriage awards to widows; in Albany, 7; in Syracuse, 4; in Rochester, 5; in Buffalo, 8.

In the New York City district there were 1,106 lump sum and final adjustment cases on the calendar; in Albany, 224; in Syracuse, 76; in Rochester, 176; in Buffalo, 90.

In the New York City district 3,033 disability cases were disallowed and 219 death cases; in the Albany district, 180 disability cases and 27 death cases; in the Syracuse district, 163 disability cases and 23 death cases; in the Rochester district, 188 disability cases and 21 death cases; in the Buffalo district, 224 disability cases and 23 death cases.

The Commission proper disallowed 94 cases.

The grand total of the regular calendar cases, facts agreed and agreements approved, medical cases, etc., including all the reappearances of cases on the calendar, for all offices, was 77,150.

For comparison, attention is called to the experience of former years:

	1914 to 1915	1915 to 1916	1916 to 1917	1917 to 1918
Number of accidents.....	225,391	273,385	313,406	286,871
Number of compensation cases.....	41,667	52,227	60,132	*53,012
Death cases only for same time.....	812	1,366	1,570	1,504
Percentage of compensation cases to whole number of accidents.....	18	18	19	18

The tables below reflect the activities of the medical division:

	July 1, 1917, to June 30, 1918	July 1, 1916, to June 30, 1917	Oct. 1, 1915, to June 30, 1916
Physical examination of claimants....	12,512	10,190	7,167
Opinions on claim papers.....	436	465	215
Opinions in death cases.....	106	111	45
Opinions interpreting X-ray plates....	280	296	91
No diagnosis	327	103	48
Total.....	1,149	975	390

CLASSIFICATIONS OF PHYSICAL EXAMINATIONS, INCLUDING RE-EXAMINATIONS

	July 1, 1917, to June 30, 1918	July 1, 1916, to June 30, 1917	Oct. 1, 1915, to June 30, 1916	July 23, 1914, to Sept. 30, 1915
Fractures	3,630	2,854	2,261	2,039
Contusions	2,008	2,004	1,077	1,175
Infections	1,325	1,315	906	1,534
Lacerations	1,852	1,239	989	586
Amputations	1,379	944	548	768
Burns	276	154	103	94
Miscellaneous	1,788	1,680	1,283	1,354
Total.....	12,258	10,190	7,167	7,550

MONTHLY DETAIL OF PHYSICAL EXAMINATIONS, INCLUDING RE- EXAMINATIONS FROM JULY 1, 1917, TO JUNE 30, 1918

1917	
July	817
August	622
September	814
October	930
November	959
December	988
1918	
January	1,041
February	1,075
March	1,109
April	1,328
May	1,389
June	1,186
Total.....	12,258

* There were 6,684 other cases received at the various offices after the expiration of the previous year but chargeable to the previous year.

The report of the chief statistician containing an analysis of compensation cases is awaited with great eagerness. The total number of compensation cases for the four years is 207,038, a sufficiently large number to give very closely all the laws governing accidents as well as revealing cost. Let us hope that in the near future we shall be able at regular intervals throughout the year to furnish each employer with an analysis of the accidents happening in his own industry and in his own plant and by pointing out the causes thereof and by suggesting means of prevention, thus to reap a very fruitful benefit all around. It is scarcely conceivable that any employer, when constantly brought face to face with his accident experience thus analyzed and with practical suggestions for improvement of the situation, would fail to take the necessary steps which would be suggested by common sense and the rules of practical business. This work seems to be of primary importance and would well justify the relatively small additional cost required to do it. It cannot be done unless our clerical force is enlarged. In this work, we regret to say, New York State is not in the van as it should be and as we believe it is in most matters respecting labor legislation and administration. We also make bold to say that the employers of the State, who respond so well to all requirements laid upon them, deserve to have this bulletin service.

In the matter of cost the recent report of the State Superintendent of Insurance, and information available from other States, is throwing a great deal of light on the subject. For instance, the earned premiums for the calendar year 1917 are reported by the State Superintendent of Insurance to be \$21,342,405 against which the incurred losses are \$13,034,611. Corresponding figures for the period from July 1, 1914, when the Compensation Law became effective, to December 31, 1917 — three and one-half years — are earned premiums \$56,553,581 against which the incurred losses are \$36,630,999. If these figures were brought up to date by using the same figures for 1918 that are given for 1917, we should have the total cost to employers in premiums to date to be \$77,895,986, and the total benefits to workmen paid and accrued during the same period, \$49,665,610. These figures are predicated upon the business of the State, not including the business of self-

insurers which is 15 per cent of the whole. This estimate is an accurate one based upon a comparison of the number of claims arising. The foregoing figures, therefore, are based upon 85 per cent of the business of the State amenable to the Compensation Law. They point conclusively to the fact that employers are paying too much for compensation insurance and would seem to justify the statements which I have made from time to time that rates are too high and that the law could be amended offering a greater proportion of justice to the injured and at the same time at a marked reduction in cost to the employer.

Numerous inquiries are received asking for an estimate of the whole cost of industrial accidents. This may never be given in dollars and cents, but your attention is directed to the following observations: A workman employed is earning wages for himself and profits for his employer. He is not only doing this but his activity through the things he produces engages the activities of others in whole or in part. He also keeps his machine busy and his place filled in his competent way. When he is injured he ceases to be an earning agent and consumes his savings. His place in the plant or factory becomes vacant and his machine becomes idle or is kept at work by a new and perhaps untrained workman in whose very training there is economic loss. For every workman injured there is a relative increase between overhead expense and total expense. Then it must be remembered (see my argument below under the first proposed amendment) that the benefits under the New York law do not represent more than one-half compensation for the losses sustained. These and other reflections may be indulged in. Therefore, it is perhaps not otherwise than conservative to multiply the figures of the State Superintendent of Insurance by two in order to discover the actual loss to the workmen themselves and again greatly to increase the figures to estimate the losses to the employers and to industry at large. This would make the loss to workmen alone over \$30,000,000 annually. In addition to this there is the very large loss to employers and to industry, the amount, of course, being speculative. It would seem, however, not unreasonable to place the whole loss at \$50,000,000 or more each year. These stupendous figures point the lesson. They indicate the need of a concentrated effort toward the pre-

vention of accidents. They indicate the great possible reward of this effort. And they are the measure of the present carelessness and negligence on a large scale. "Oh, this mad unthrift world which every day throws life enough away to make its deserts kind and hospitable."

The making of a compensation law is a matter not only of the original enactment, but also of its subsequent development in a two-fold manner, namely, by giving it direction or tendencies through careful administration and by amendment.

Our law was a good law from the beginning and framed by careful thinkers along compensation lines who were for the most part untrammelled in their action, but to show how it has been improved by amendments requires only to recite the list of them. This I now do:

Its application at first was to certain hazardous employments which, be it admitted, were many; but, to show what was omitted it is but necessary to recite the additions which have been since made:

To "construction and operation of railways" was added "repair" of same.

To "operation, within or without the state, including repair of vessels" was added "marine wrecking."

To "dredging, subaqueous or caisson construction" was added "repair."

To "construction, installation or operation of electric light and electric dynamos, etc.," was added "repair."

Other employments which have been added are road building, curb and sidewalk construction or repair; grave digging; undertaking; landscape gardening; planting, moving, trimming and care of trees and tree surgery, not included in other groups; street cleaning, ashes, garbage or snow removal; garbage sorting; operation of water works. To "sewer and subway construction" was added "repair."

"Lumbering" was modified by the addition of "except operations solely for the production of fire wood in which not more than four persons are engaged by a single employer"; to this group was also added "bark mills"; "lumber yards"; "manufacture of barrels, kegs, vats, tubs."

"Manufacture of articles" was amended to read "manufacture of wooden articles"; to this group was also added "cork cutting."

To "mining; reduction of ores and smelting; preparation of metals or minerals" was added "oil and gas wells."

To Group 19 was added "Manufacture of asbestos"; "stone crushing"; "coal yards."

To Group 21 was added "machine shops, including repairs."

To "operation and repair of stationary engines and boilers" was added "freight and passenger elevators"; and to this group was also added "window cleaning"; "erection, removal or repair of awnings, heating and lighting."

In Group 23 the word "screws" was substituted for the word "screens" and the following was also added "jewelry; gold, silver and plated ware; articles of bone, ivory and shell."

To Group 24 was added "blacksmiths"; "horse-shoers."

"Manufacture of explosives and dangerous chemicals, corrosive acids or salts, ammonia, gasoline, petroleum, petroleum products, celluloid, gas, charcoal, artificial ice, gun powder or ammunition" was modified to read "Manufacture of ammonia, petroleum, petroleum products, celluloid, pyroxylin or the compounds of pyroxylin or pyroxylin plastics, gases, charcoal or artificial ice, and the manufacture, storing and handling of explosives and dangerous chemicals, corrosive acids or salts, gasoline, petroleum, gun powder or ammunition: laboratories; ice harvesting; ice storage and ice distribution."

"Manufacture of paint, color, varnish, oil, japans, turpentine, printing ink" was modified by the insertion of the words "and other" before "ink."

To "Distilleries, breweries; manufacture of spirituous or malt liquors, alcohol, wine, mineral water or soda water"; was added "Bottling."

To Group 28 was added "or sewerage disposal plants; disinfecting."

To "storage" was added "of all kinds and storage for hire."

Group 30 was amended by the addition of "meat markets; wholesale groceries; fish markets; planting, cultivating and harvesting of oysters, clams or other sea foods; poultry markets";

and, "to manufacture or preparation of meats or meat products or glue" was added "gelatine, paste or wax."

Group 32 was amended by the addition of the word "furriers."

Group 33 was amended by the addition of the words "manufacture of dairy products."

Group 34 was amended by the addition of the words "hotels having fifty or more rooms."

To "manufacture of men's or women's clothing, white wear, shirts, collars, corsets, hats, caps, furs or robes" was added "or other articles from textiles or fabrics."

Group 40 was amended by the addition of the words "engraving"; "manufacturing of moving picture machines and films."

Group 41 was amended by the addition of the words "life saving stations and lifeguards"; "public garages, livery, boarding or sales stables; movers of all kinds"; "operation of hand trucks; transportation of goods on rollers; manufacture and operation of aeroplanes or other air craft."

Group 42, which originally read, "stone cutting or dressing; marble works; manufacture of artificial stone; steel building and bridge construction; installation of elevators; fire escapes; boilers, engines or heavy machinery; brick-laying; tile-laying, mason work, stone-setting, concrete work, plastering; and manufacture of concrete blocks; structural carpentry; painting, decorating or renovating; sheet metal work; roofing; construction, repair and demolition of buildings and bridges; plumbing, sanitary or heating engineering; installation and covering of pipes or boilers," has been amended to read as follows: "Stone cutting or dressing; marble work; manufacture of artificial stone; steel building and bridge construction or repair; installation or repair of elevators, fire escapes, boilers, engines or heavy machinery; brick-laying, tile-laying, mason work, stone-setting, concrete work, plastering; and manufacture of concrete blocks; structural carpentry; painting, papering, picture hanging, glazing, decorating or renovating; sheet metal work; roofing; construction, repair and demolition of buildings, bridges and other structures; blasting; maintenance and care of buildings; salvage of buildings or contents; plumbing, sanitary lighting or heating, installation or repair; installation and covering of pipes or boilers; junk dealers; theatrical stage carpenters;

property men, electricians, stage hands, fly-men, lamp operators and moving picture machine operators."

The following additional groups have also been added since the original enactment of the Compensation Law:

"Group 43. Any employment enumerated in the foregoing groups and carried on by the state or a municipal corporation or other subdivision thereof, notwithstanding the definition of the term 'employment' in subdivision 5 of section 3 of this chapter."

"Group 44. Employment as a keeper, guard, nurse, or orderly in a prison, reformatory, insane asylum or hospital maintained or operated by the state or municipal corporation or other subdivision thereof, notwithstanding the definitions of the terms 'employment,' 'employer' or 'employee' in subdivision 5 of section 3 of this chapter."

"Group 45. Employment as a district forest ranger, forest ranger, observer, chief railroad inspector, game protector, inspector, forester, land appraiser, surveyor, assistant on survey, engineer, or assistant on construction work, by the state, notwithstanding the definitions of the terms 'employment,' 'employer' or 'employee' in subdivision 5 of section 3 of this chapter."

Then it was provided that any employer not otherwise under the law might by election come under the law. This caused thousands of employers to adopt the Compensation Law as governing in their relations with their employees.

Finally, last winter, besides all the employments named, the law was made to apply to all other employers of four or more workmen or operatives. Thus at one stroke were embraced many other employees in the right to compensation.

State employees engaged in hazardous employments were also given the right by amendment to claim compensation in case of injury.

The definition of the word "employee" was amended to include all the employees of an employer whose principal business is named among the hazardous groups. For a while it was doubtful if non-hazardous employment of an employer, such as clerical work in the office, etc., etc., was covered by law. The amended definition removed all doubt in the matter. Likewise was the definition of "employment" amended to include work done "in connection"

with a hazardous employment. This was an important amendment and cured the condition in which opposition was made to coverage in many cases because the work seemed to be not the principal work of the employer, but only in connection therewith. The definition of "child" has been twice amended, once to include dependent step-children and again to include acknowledged dependent illegitimate children, amendments made wholly in the interest of justice.

The definition of the word "manufacture" was amended, all the words after the word "alteration" having been added, so that the definition now reads "'manufacture,' 'construction,' 'operation' and 'installation' shall include 'repair,' 'demolition' and 'alteration,' and shall include all work done in connection with the repair of plants, buildings, grounds and approaches of all places where any of the hazardous employments are being carried on, operated or conducted."

At first the law gave no benefits for the first two weeks. It was amended so that compensation is paid for the first two weeks in cases in which disability lasts more than forty-nine days.

The definition of "compensation" seemed not to include medical services, but the law has been amended in conformity with the court decision which removes all doubt on this question so that claimants may now claim compensation for medical services. In the original schedule of disabilities compensation could be paid only for the specific loss. The law has been amended so that in the case of the loss of more than one finger or more than one toe, compensation may be awarded for the proportionate loss of the hand, or the foot, as the case may be. While simply stated, this is an amendment of far-reaching importance and gives the Commission discretion to determine the general utility of the hand or the foot, aside from the mere loss of a finger or toe.

The following clause was added, which is self-explanatory: "Partial loss and partial loss of use. For the partial loss or the partial loss of the use of a hand, arm, foot, leg or eye, compensation therefor may be awarded for the proportionate loss or proportionate loss of the use of such hand, arm, foot, leg or eye." This is of far-reaching importance and covers thousands of the more

serious disability cases. Previous to this amendment if a person greatly crippled who had not suffered entire loss or loss of use of the hand, arm, foot, leg or eye and was able to secure wages equal to or greater than the wages at the time of injury, then no compensation whatever could be paid.

The law was amended so that loss of use of a thumb, finger, toe or phalange shall be equivalent to the loss of the same. Formerly this provision applied only to the loss of use of a hand, arm, foot, leg or eye.

A provision of importance was that which provided that in each death case in which there are no dependents that \$100 shall be paid to the State Treasurer to create a fund for the following purpose: To provide compensation for permanent total disability, i. e., throughout life, to those claimants who lose a hand, arm, foot, leg or eye while working for an employer and who had previously lost a hand, arm, foot, leg or eye before going to work for the last employer, in whose employment they suffered the loss of the second member. New York is far in advance of any other State of the union in connection with this class of cases. This amendment has attracted universal praise.

In case of children under age a guardian need not be appointed unless the Commission requires it. This saves the necessity of court expense and the time and trouble of appointing guardians.

The amount payable to a dependent mother or father or grandparent was raised from 15 per cent of the wage of the deceased to 25 per cent.

The law was amended in a very important particular by extending the time within which notice of injury might be given from ten days to thirty days. This saves many claims which might otherwise be defeated on technicalities.

The law was also amended so that knowledge of the injury on the part of a foreman or a "boss" would be equivalent to knowledge on the part of the employer. A few death claims were lost because notice could not be brought home to the employer, and many a poor claimant who did not know the legal name of his employer or the location of the home office was thus deprived of compensation on a technicality successfully pleaded by the insurance carrier. This is no longer possible.

Claimants under the first enactment had to request medical services of their employer and the employer had to be guilty of neglect or refusal to provide medical services before the claimant could hold his employer liable. Now, while it is still the duty of the employee to request medical services, it is equally the duty of the employer to provide medical services if he knows that such are required, and failing or neglecting to furnish medical treatment gives the employee the right to select his own physician and to make a claim for compensation for medical services in addition to his regular claim for case compensation.

The law has been amended so that the employer may make advance payments of compensation at any time after the injury. This allows the employer to pay out money and thus to relieve hardship in many a case where some time would necessarily elapse before the making and perfecting of a claim and having an award made to him in the regular manner. It also allows the employer and employee to enter into an agreement for compensation providing the agreement be for the exact amount the law requires. The employer may then pay compensation at once.

In cases of claim for compensation in which the employer is not insured, it used to be that the Commission, through its legal department, had to sue the employer to collect the award, but the law has been amended so that the court is compelled to enter judgment as soon as the Commission files with the clerk of the court a copy of the award. This renders the subsequent lawsuits unnecessary, and it enables the Commission to proceed rapidly in the collection of an award against a non-insuring employer.

The law has also been amended to remove any doubt of the Commission's power to compel employers or insurance companies to pay into the aggregate trust fund the full actuarial values of any outstanding death case. (Note — Now made doubtful again by the late decision in *re Sperduto vs. New York City Interborough Railway Company*, Court of Appeals, Mar. 18, 1919.)

The amendment of the most far-reaching effect was that which gave to employers and their workmen the right to make agreements with each other and to pay and to receive compensation in satisfaction of the requirements of the law and by filing with the

Commission joint reports of such agreements with the receipts for payments fully to satisfy the law. This in effect was permission to substitute the agreement method for the method of filing claims directly with the Commission. Tables herein will indicate the proportion of cases handled under this provision.

With respect to the agreement plan, there has been much difference of opinion as to whether or not it affords a practicable means of settling cases in a manner in which justice is done to the workmen. The system has been in operation long enough to warrant an intelligent discussion of the subject based on practical experience. The following observations, therefore, will be pertinent:

At the time the agreement amendment was adopted provision was also made in another amendment for advance payments of compensation to be made by the employer to his employee, either in advance of an agreement or in the event of no agreement. The advance payment plan is mentioned at this time to be considered with the agreement. At the time of the adoption of the amendment the first draft of the bill provided that agreements might be entered into between the employer or insurance carrier and the workman, but before its passage the "insurance carrier" was amended out and the provision stands in the law that the agreement may be entered into between the employer and his injured workman. As a matter of fact, however, agreements are almost entirely promoted by the adjusters of the insurance carriers although it is rigidly required by the Commission that the employer shall sign on his own behalf. It, of course, would be better if the employer actually brought about the agreement as the legislators intended. To do so would be to promote a closer relationship and a better feeling between employer and employee. Moreover, the Industrial Commission idea, as conceived by its authors, would urge that this be done. This idea is that all industrial relations should be somewhat autonomous, and the more so the better. It is, indeed, a fact, though, that under the old liability system the very strange thing happened that in case of accident the employer and his injured workman became enemies because upon the happening of an accident they assumed the attitude of adversaries, and this chiefly because of the possible ar

probable lawsuit to follow. This condition was brought about in no little degree by the intrusion of the insurance settlement agent and the contingent fee lawyer, each putting the other, with his client, on the defensive. But the Compensation Law, at one stroke eliminating fault and abrogating liability, came as an invitation to the employer and his workman to follow the dictates of nature and to come closer together because of the misfortune of accident. This very deflection of employer and employee toward each other brought them together in the new relation and has been full of opportunities to see each other face to face and in a new light, and thus not only to work out the application of the compensation provisions but also to intimate agreements to be reached in other matters between them. This incidental benefit of the Compensation Law is by no means a slight one. Industrial relations are undoubtedly improving, and while the Compensation Law itself is an effect of the desire for a fuller measure of social justice, it has also been in its turn a cause, through its being a means of disclosing the genuine mutuality which embraces the employer and his employees. It is a mistake, therefore, for the employer to surrender to anyone the right to bring about the agreements for compensation if the method is permanently to obtain. If the employer himself should take an interest in writing the agreement he would also be made more aware of the cost of industrial accidents, and what is even more important he would be brought face to face with the causes, and no doubt would be prompted immediately to take steps to prevent the recurrence of like accidents. But, as is said before, the insurance adjuster in practically all the agreement cases does the work for the employer, and his motive primarily is a purely commercial one, and he is actually engaged to serve the pecuniary purposes of his insurance carrier. It must be said, therefore, that there is this fundamental difficulty in the agreement plan.

When the agreement is entered into it is usually accompanied by the first compensation payment, and this payment is by many confused with the advance payment permitted by law. But by the very definition it is not an advance payment, because it is not made in advance of an agreement, nor is it made in the event of

no agreement. Thus, we shall see that there are very few advance payments made. And yet there can be no doubt that, if the employer promptly reports the injury to his insurance carrier, and the insurance carrier sends his agent or adjuster to ascertain the facts, so that things are made ready for an agreement as soon as the waiting period is over, the agreement plan thus affords opportunity for a first compensation payment sooner than they might be made under the direct claim plan. This assumes that the advance payment plan is not generally made use of (perhaps chiefly because of the employers' difficulty in being reimbursed). It may be said, therefore, that the agreement plan has the advantage of giving to the injured his first compensation payment sooner than would the direct claim plan.

It will likely, too, be thought on first consideration that the administrative advantages of an agreement plan are greater than experience proves them to be, for if the law is to be fully obeyed the Commission must investigate every agreement case to see that the full benefits provided by law are received by the injured workman. The most expeditious way of conducting this investigation is to turn about and treat the agreement case as a direct claim, and by putting it on the calendar, to bring the parties to a hearing, however brief, and a medical examination. This is the scientific way of handling a compensation case, for it settles the dispute and satisfies the Commission of the real facts, but to do this were in effect to negative the agreement method. How, therefore, are agreement cases investigated? In the first place in order to safeguard the plan a rather long agreement form is prescribed, tending to lead through all the salient facts in the case to the ends sought by the law. Even an open formula setting forth the rule of computation of weekly benefits is provided with suggestions of the proper multiplier and divisor. It is provided also that the form must be sworn to. This agreement does not permit an agreement to be made in advance as to the length of disability unless it is a specific schedule loss. At times agreements have intimated a meeting of the minds as to length of disability and receipts have shown payments in advance of the present and denoting finality of payment. Every such practice has been curbed as soon as it has

appeared. This joint report of agreement when received is then examined in connection with the employer's first report of injury and the employee's first report of injury. If these papers agree the agreement is approved *pro forma*. If they do not agree the case is sent to the calendar just as is a direct claim case, parties are put on a hearing and the matter is adjudicated as is a direct claim. It will be well to keep in mind that out of one hundred cases fifty-nine reach the Commission as agreements and forty-one as claims filed directly with the Commissions. These figures will indicate the extent to which the agreement plan is made use of.

After the agreement method had obtained for a while, I segregated numerous cases, selecting those in which the injuries were such as to offer the best opportunity for thrifty and unfair settlements. These cases embraced cases handled by the various insurance carriers. I then caused investigations to be made either by inviting the claimants to present themselves at the office of the Commission for medical examinations or by sending investigators to see them in their homes and there were found too many cases which had been short settled. We began to put them on the calendar for hearing or investigation but soon found that it would be better to take steps to cure the situation rather than to be constantly going into matters of the past. The notice of approval of agreement (said approval constituting the award in agreement cases) was then modified by adding the following paragraph: "The State Industrial Commission is charged under the law with investigating each case to determine if the terms of the agreement are strictly in accordance with law and to determine also if there has been any unfair dealing against the injured person. If you are not certain that your case has been settled correctly or that you have received sufficient compensation for your disability, you may present yourself for physical examination by the Commission's physician at 230 Fifth avenue, New York, on the afternoon of any day except Saturday."

This went about as far to cure the matter as is deemed practicable under the present law and the present organization for we have our limitations both of means and of energy and these have been used well nigh to the point of exhaustion. If there was apparently something wrong with the agreement or if the case

was strongly doubtful it was sent to the calendar in exactly the same manner as if the claim had been filed directly with the Commission. Interested parties were put on notice and appeared at the hearing. To indicate how numerous were these cases I am able to say that within the last year 6,018 of them reached the calendar in the manner described and in the year preceding even more such cases reached the calendar. Now, when it is known that three-fourths of all our cases arise within the metropolitan area and that for five or ten cents any claimant may come to the offices of the Commission, it will be seen that the easiest opportunity that it was possible for us to create was put before the claimants and, on the whole, went far to cure injustices under the agreement plan.

But the chief difficulty remaining is that each agreement case ought to be re-examined when the final receipt is received, but to do this is not practicable. In the first place we have difficulty in receiving the receipts promptly and they come in such multiplied thousands that they have always been somewhat of a white elephant on our hands. We do manage to file them so that we can produce at any time in a moment the receipts in a given case. We started at the outset to open a joint journal-ledger page for each case, charging in one column the award and crediting against it the payments as evidenced by receipts. We continued this plan until it had to be abandoned for want of help. But even in this plan the agreement afforded us difficulties because we did not know in the first instance what the charge entry should be, for no definite award was indicated and we, therefore, could not know when the case was finally settled unless we could enforce a final receipt. We have repeatedly urged the plan to be followed but without a larger force of clerks than is at our disposal we cannot follow up each incident of noncompliance. This failure to know the end of an agreement case has been of exceeding perplexity to the statistician whose work is somewhat stalled on this account. And if this final examination of the agreement case were to be made as indicated above, then the agreement would have had, first and last, more attention than the direct claim case and if it were to be brought to the same scientific conclusion it is a plan that does not shorten the work. Now, to the important question,

Is injustice practiced under the agreement plan? I have not the slightest doubt that injustice is practiced and it is the consensus of opinion of the various claim examiners and deputy commissioners that there are hidden things in many agreement cases that our system does not bring to light. I think any honest critic must admit that our administration of the agreement plan is stronger than the plan itself as outlined in the law and that we have curbed and restrained tendencies and forced so many agreement cases into the open that we have minimized the evils that might have been practiced but to say that we have caught all the defects and have nullified any attempt to effect short settlements would be rash. Again, I say, we have our limitations both of means and of energy. It is perhaps noteworthy to compare the large number of agreement cases re-appearing on the New York City claim calendars made possible through the easy access to the office with the relatively small proportion of agreement cases reaching the up-State public hearing calendars because of the difficulties of the claimants going so far to have their doubts resolved, to ask questions or to voice protests. And yet, with all this, 6,018 agreement cases out of the whole number of 30,647 for the year have reached the open calendars. This is 20 per cent of the total number.

It may be said, then, in conclusion, that the agreement plan has worked better than its objectors thought and not so well as its advocates were confident of. It can also be said with confidence that it needs further amendment and that perhaps by amendment its defects may be cured without the necessity of its repeal for it has the advantage spoken of and the therefore possible advantage of affording an easier administration providing the danger of injustice be obviated. Various plans have been suggested; to bring all agreement cases to the hearing calendar, to provide that the Commission shall finish all payments after the agreement and initial payments have been made, to give the Commission the right to deprive the insurance carrier of the right to enter into agreements after demonstrated unfair practices.

By resolution the Commission has required that a medical report be filed with each agreement case, but repeated adjurations and much insistence has, on the whole, been fruitless and insur-

ance carriers seemingly are unwilling to file these medical reports. We are attempting with renewed vigor the enforcement of this resolution. It must be evident that a good medical report would be useful in the examination or investigation of agreement cases. We have striven with the utmost vigor and alertness to safeguard to the workmen the benefits provided for them and to administer the law in a forthright manner.

Of course it must not be inferred that the agreement cases which afterwards reached the calendar were all cases in which unfair dealing was practiced by the employer or insurance carrier. In many of these cases the dispute was simply on the extent of disability and this matter was in itself not covered by the agreement, for, the agreement form as described does not permit agreement as to extent of disability unless the disability be ended at the time the agreement is made, or unless the disability is one which falls within the specific schedule. Therefore, a dispute as to the termination of disability might well arise without attributing fault to either party. However, all such cases become virtually claim cases.

It will be seen, therefore, that the agreement plan has the distinct virtue of providing compensation to the injured workman sooner than does the direct claim plan. But in making a comparison, the fact should not be lost sight of that such cases as reach us by the agreement method would be the easier claim cases should they come to us as claims, and they would likely go to the claim calendar with more average speed than do the present claim cases which are, we assume, the more serious cases. It has also the advantage of affording easier administration since agreement approved cases do not go to the calendar at all.

Its disadvantages have been pointed out except that I would add a further word and say that I have always had some fear that the wages fixed in the agreement too often omit a consideration of the wages earned by way of overtime. Daily contact with the many claimants discloses that many of them look upon overtime as an "extra" for which the law has made no provision.

I would add, in conclusion, that the agreement plan in New York State has had much attention from an administrative standpoint and much more attention, we may say in confidence, than is

given a similar plan in any other state. The other states which have the agreement plan simply hear such cases as come before them on complaint, the complaint arising on the complainant's own motion; whereas, upon our own motion we turn up more or less of the defects in agreement cases.

But, notwithstanding the fact that the law has been freely and generously amended, it needs to be further amended in order to make it the perfect statute it ought to be. In this respect may not the reflection be indulged that, take it all and all, the compensation law as it now stands is one of the most perfect laws on the statute books, and especially is this so when its length and complexity is considered. It is greatly so because it has been carefully amended as experience has taught the need of it. And experience is a constant teacher for the law is in process of use all the time. Every day a thousand new cases arise affecting, let us say, not only the thousand injured persons themselves, but their families and the hundreds of employers of these injured persons. The operation of the statute, therefore, unlike most statutes, is never in abeyance. In a consideration of this fact will be found at once the reason and the excuse for proposing amendments annually.

My recommendations are more numerous this year than formerly, because I am convinced that we should, so far as possible, once and for all, perfect the statute so that at the earliest possible date we shall achieve that permanency which should characterize so vital a law. We can be all the more bold because through a constant study of the question, and taught also by experience and aware beyond doubt of the extreme practicability of the law, we are able to record not theories alone, but truths of which we are profoundly convinced. I therefore propose the following recommendations and take occasion briefly to give my reasons therefor:

1. General increase in compensation in disability cases to 75 per cent.

Under any analysis even the most generous compensation law does not compensate more than 50 per cent of the loss to the injured workmen. They receive nothing for the first two weeks within which time 82 per cent recover; they receive nothing

above \$15 except for the loss of a hand, arm, foot, leg or eye and these cases are relatively few; dependents are limited by statute to certain relatives and are not inclusive of all dependents of killed workmen; the right to compensation is restricted by certain statutory requirements of notice, etc., and barred by a statute of limitations. All these elements certainly effect a reduction of the two-thirds allowance so that the absolute loss is not more than one-half compensated, and this from the pecuniary consideration alone, that is to say, without taking into account attendant loss and incidental suffering and distress, not only of the injured but of his family as well. Then, the first two weeks of disability not only mean a period of no earning on the part of the injured and his family, but it means also that they must go into their savings for living expenses. Further general reasons might be given from another viewpoint: Loss from accident is truly an element in the cost of production. The laborer is worthy of his hire and has earned his wages in advance of their receipt. The hazard of his employment before compensation laws were enacted was a risk taken by him wholly for the benefit of others. Thus when he was injured the loss which should have been borne by industry was borne by him alone. The compensation law is an attempt to compensate this loss and to make it a chargeable item in the cost of production, thus to enter into the selling price and to be distributed among all the people. This argument goes to show that even under the most generous laws this attempt to compensate injured workmen is fruitful but to the extent of one-half. Therefore, the injustice has been only partly done away with. Therefore, again, the complete justification in asking that the scale of compensation be increased. In asking this the workman is asking for no dole or for no charity. He is asking for but justice and his plea is still far within his rights. But it has been urged on the contrary that because of the world war a period of readjustment is forced upon us and that other problems are to the forefront. In reply to this I say it is even expedient that this question be considered at this time, for to do justice to the workman should be made an element of consideration in the readjustment. Otherwise when the readjustment is effected there will be other readjustments to make and endlessly. I must also say that those

who would oppose amendments should be more inclined to look into the matter of the cost upon industry of compensation insurance to the certain end that they will discover that they are paying too much for such insurance and that they can grant all the increases herein requested and still be out fewer dollars for insurance.

2. In death cases, widow 50 per cent and each child 15 per cent; maximum 75 per cent; and, wage basis increased from \$100 to \$150 a month.

The general reasons for this are stated above. Other things may be considered: Every person is entitled to a living wage and the compensation now provided for widows and parents is not a living wage. If dependency anywhere should be succored, it is the dependency of widows and children and of aged parents. The compensation now proposed will in most cases enable such dependents to live in frugal comfort. The compensation now paid only partially relieves dependency in most cases. Then, too, consider the great number of remarriages in which but two years' compensation is paid; consider that dependents residing abroad receive but one-half the amount provided in the schedule; consider also that about 20 per cent of the death cases have no statutory dependents. From these considerations it will be seen that the actual practice works very considerable reductions from the primary allowance so that our law is not so generous in this respect as it would seem. The maximum limitation of \$100 a month affects many cases and would render nugatory the proposed amendment were it not also increased.

3. Increase minimum compensation to \$10; maximum to \$20.

This proposal is strictly and entirely in accord with the requirements of a living wage for the minimum; and for the maximum the very numerous cases in which the \$15 limit applies works a great injustice, and this injustice is all the greater because the reduced compensation thus effected results in no saving to industry; for, the various insurance carriers still audit the total payroll and collect their premiums against it so that the present effect of the application of the maximum rule is to increase the profits of insurance carriers.

4. Reduce waiting period to ten days.

Our present waiting period is fourteen days within which time 82 per cent of the injured recover. Some states have a waiting period of seven days and their experience shows that within that time 70 per cent recover. The reason for any waiting period at all is twofold: (a) to prevent simulation of disability; and (b) to do away with the handling of the very minor cases. But at all times the claimant has his claim in justice. The reduced waiting period, therefore, from fourteen days to ten days would seem justifiable.

5. Give compensation for first ten days if disability lasts longer than forty-two days.

This proposal is but a corollary to the preceding one and to that provision of the law which pays compensation for the first two weeks when the disability is of more than forty-nine days duration.

6. For any portion of bone or joint of first phalange, one-half loss; for any portion of second or more, whole member.

This amendment is not proposed as effecting an increase in compensation, but as necessary to do away with the administrative difficulty of applying with certainty the schedule with respect to finger injuries. Several cases have gone to the courts on the question of how much bone of a phalange should be lost before the phalange is lost. The effect of the present rule is to cause haggling over each such case. It is a good general principle that doubt should be written out of the law and certainty written into it as much as possible.

7. Define heat prostration, sunstroke, frost bite, caisson disease, anthrax, glanders, tetanus, asphyxiation or poisoning by gas or wood alcohol and acute lead poisoning as accidents *per se*, and if arising in the course of employment they shall be deemed to arise out of the employment provided that the nature of the employment is such that it is a source of such injuries.

This amendment would make certain the many mooted questions arising out of the injuries listed. Some of them are on the border line between injury and occupational disease. All of them are

without doubt sometimes compensatable. It can hardly be gainsaid that they all should be so. In the consideration of such cases we have constantly now to resort to strained constructions. Take, for example, heat prostrations. This class of injuries results probably from a combination of causes, namely, the employment and the weather. Most heat prostrations are on hot days, hence, weather is an element, of course. On the other hand, most heat prostrations occur to workmen, therefore, employment or labor is an element, of course. Likewise with frost bite. Again, take such an infection as tetanus. The result is obtained usually through two causes, first, an abrasion or wound accidentally sustained, and, second, the entrance of the germ. It is the totality of the effect for which compensation is claimed. All these cases are relatively few in number and their inclusion or exclusion will not seriously and perhaps not appreciably affect the general cost of compensation. But the law should be better defined; hence the proposal.

8. Eighty per cent loss of vision, total loss; binocular vision lost, eye lost.

The proposal of this amendment arises out of administrative difficulties. Take, for instance, the *Frings* eye case, in which we have cataract caused by accident. The eye was operated and in a measure recovered. Some vision was left but not useful vision, except that if the uninjured eye should subsequently be lost, then the injured eye would be useful to the extent of possessing a field of vision, which is as much as to say that the injured would be able to ascertain the outline of objects so that he might not be run over or so that he might not run against them. But the fact is that for vocational purposes the usefulness of the eye is entirely lost and yet we may not award for the entire loss of use of the eye. This is manifestly an injustice which should be cured.

The proposal to enable the Commission to declare a loss of use of eye if there be 80 per cent or more loss seems to be in the interest of justice. The test should be the vocational test and when but faint vision is left it is not useful vision. It should at all times be remembered that the framers of the law in the first place took into consideration the fact that the remaining eye becomes

all the more useful and that nature thus goes far to negative her loss, hence the relatively low compensation for an eye as compared with a hand, arm, foot or leg. It follows, therefore, with all the more reason that this low compensation should not be further diminished as long as some oculist can be found who will say there is some vision left.

9. Minimum compensation of \$10 for a minor receiving a weekly wage less than \$10.

The present statute allows the Commission to take into consideration the expectation of increase in wages of a minor in cases of permanent injury to be endured throughout life. The question arises, shall this expectation be adjudged from evidence which the minor is able to submit, or shall the Commission take cognizance of the fact that a minor will be earning more wages when he reaches his majority? This is a troublesome matter. Take, for instance, a boy of sixteen who has his working papers and is employed during the summer vacation. He expects to return to school in the fall. There is no expectation of increase of wages in his employment because there is no expectation of continuance of the employment itself. He sustains a permanent injury, say, the loss of an arm. He must carry this loss throughout his life and for all the longer period because of his youth at the time he sustained the injury. In such cases the Commission is compelled to exercise its judgment unsupported by evidence except their general experience and common knowledge. If the law should fix a minimum in this respect it would automatically solve the problem in a large number of cases.

10. Specific schedule awards to be made vested interests in those who would have been dependents and entitled to awards had the injury resulted in death, payments on specific schedule awards to cease at death if a death award is made.

This is a provision which is to be found in some of the laws in other states. Its application would be required in but rare cases and on the whole would in no wise appreciably affect the total cost, while it would solve a serious problem for the unfortunate dependents in the particular cases.

11. Agreements to be filed within ten days after they are made.

There is no specific provision in the law in which it limits the time within which joint reports of agreements shall be filed. Consequently in a considerable number of cases the carriers have for one reason or another withheld the agreements, presumably to serve their purposes. This embarrasses the administration of the law, makes injustice possible in the cases involved and deprives the Commission of that full knowledge which it should possess in every case.

12. Joint reports of agreements to be filed in all cases in which money is paid and received in satisfaction of the requirements of the compensation law.

Because of the peculiar wording of section 20-a some employers have contended that the requirement of the law is satisfied if they will but file with the Commission receipts for compensation paid to their workmen. They say in justification of their attitude that if the injured workman does not file a claim with them in a formal manner nor directly with the Commission, that no claim has been made and that, since agreements are predicated upon claims, without the claim there is no agreement and hence none to be reported. I think their position is untenable and for the following reasons: The law requires a joint report of agreement and whenever compensation is paid and received by an employer and his workmen in satisfaction of the requirements of the law there must necessarily be an agreement or meeting of their minds and it is a report of this agreement that the law requires. If the law is made certain on this point it will enable us to obtain the necessary information to discharge our duty of investigating all cases to see if sufficient compensation is paid. As a matter of fact we have thousands of receipts as the only evidence of compensation being paid and received for the corresponding accidents. Certainly the Legislature never intended that this situation should obtain.

13. Right to award a lump sum to a widow put beyond doubt. This is now a mooted question.

14. A parent to be deemed dependent if minor's wages were used in ordinary support of household and needed to maintain the household in frugal comfort.

This, it seems to me, is a vital suggestion and will determine whether or not a household is to be considered in its unity in the matter of dependency or broken up into individuals against which credits and debits are to be placed. It is both a legal and moral duty on the part of a parent to support his minor child and if his minor child becomes a wage-earner the parent is entitled to the wages to enable him to discharge his duties as parent. Why should not the same rule and reason obtain in a consideration of compensation cases and especially in those cases in which the minor wage-earner turns over his wages to his parents to be used by them to support the household. It is contended by those who oppose this rule that the mother, for instance, should be deemed to be dependent upon a minor or that a certain brother or sister should be deemed a dependent. This, it seems to me is wrong and contrary to nature. A dutiful child turns over his money to his parents and the money is used for the necessary and general household expenses without any thought of which particular person is receiving the more or the less benefit. A minor who delivers his wages to his mother or father to be used in the general support of the household is but enabling his parents the better to discharge their duties as such, and if he dies they should be deemed partially dependent upon him as, in fact, they are. There is no justification for making a book account as between a minor's income and his own outgo to deny compensation if he consumes as much as he earns. This line of reasoning and this disposition of dependency cases is strictly in accord with the enlightened opinions of the courts of England in the administration of the Compensation Law of that country whose jurisprudence is approved and consulted by the courts of this State.

15. The Commission may in its discretion when it is in the interest of justice, designate others than the beneficiaries of awards to receive and receipt for compensation and to apply it to the use of the beneficiaries.

This is to do away with the necessity of incurring expenses in the appointment of guardians, etc. We have numerous instances in which children reside for a while with one relative and then with another. It is now too often necessary for the Commission

to require the appointment of a guardian. In other cases injured workmen may be in the hospital and unable to receive and receipt for compensation while their families are in manifest need of the money. Nevertheless, the law is mandatory that compensation should be paid only to injured employees or to the dependents of killed workmen.

16. "Workmen and operatives" to be amended to read "employees."

When this amendment was first proposed it was proposed in the presence of a conference of employer representatives, labor representatives and insurance carriers. There was unanimity of opinion that it meant an all inclusive coverage but it has been much limited by the interpretation put upon it. The phrase "workmen or operatives" is not elsewhere in our statute which everywhere does use the word "employees," which latter word is well defined. Hence the proposal. Why should not all employees be under the same rights? Why should there be a law of negligence for one part of them and a law of compensation for others? The objectors will be those in the less hazardous employments but when they are confronted with the slight cost of such insurance their objections, I daresay, will be quieted.

17. Inducement not to file a claim a bar thereafter to pleading the statute of limitations as a defense.

We have had a few instances of carriers paying compensation or providing medical services during the whole or part of the period of disability and by act, at least, indicating that they were prepared to pay compensation according to law and thereafter resisting the claim when formally filed on the ground that it had not been filed within the time required by law. This is manifestly wrong-doing on their part and to listen to their pleas is to allow them to come into court with unclean hands.

18. The right on the part of the Commission to certify the fact to the State Insurance Department if an insurance carrier is guilty of bad and unfair practices and lacking in co-operation with the Commission in the administration of the Compensation Law, which certification shall make it obligatory on the State Insurance

Department to revoke the carrier's right to do compensation business.

This amendment would go to the heart of the Commission's power in a forthright manner to administer the compensation law. A few carriers are guilty of unfair practices and their representatives are in constant resistance to the law, making the proceeding in hearing and determining a claim an adversary proceeding instead of a co-operative investigation to discover the truth alone. In other words, we have far too many instances of the old liability practices obtaining in compensation cases and this brazenly in the very hearing rooms of the Commission. It seems to me the Commission should have full power to put a halt to such practices and to declare *persona non grata* a representative of a carrier who is so much in opposition to the orderly process of the administration of the law. These carriers do business by license and not as of natural right. The whole enactment of the compensation law was not only an attempt to do justice to the workman on the one side, but to get out of the maze of difficulties and abominations that personal injury suits and proceedings had come to. We now find ourselves in a few instances fighting strenuously to repel a recurrence of the same practices and I take it we should have free and strong hands with which to accomplish the salutary ends of the statute.

19. The authority on the part of the Commission in its own discretion to revoke the right to self-insurance and to commute all its outstanding awards and to call them into the aggregate trust fund.

The foregoing observations are also pertinent here. Self-insurers are quickly divided into two classes: The very good and the very bad. The former are those employers who seek means of self-insurance in order that they may carry out the provisions of the law with which they are fully and entirely in accord. In fact, some of them pay more compensation than the law provides and such employers always desire the beneficial results in dealing directly with their own workmen. On the other hand is that class of self-insurers who seek self-insurance from pecuniary motives only and who strive through every means to save every cent possi-

ble without regard to the rights of persons. Financial responsibility, therefore, should not be the only guide in determining who shall have the right of self-insurance. The attitude of such employers to their workmen is fully as vital a consideration.

20. A more severe penalty should be imposed for non-insurers. This matter is more fully discussed elsewhere in this report.

21. In addition to the aggregate trust fund there should be created another fund (in custody of the Commission or State Treasurer) for temporary or provisional purposes in cases in which the award is for less than one hundred and four weeks.

The aggregate trust fund is for cases of more than one hundred and four weeks' duration. There are, however, a very considerable number of other cases in which it is expedient that the Commission obtain the money for disbursement according to law. For instance, a non-insuring employer who is unable to offer a guarantee that the compensation will be paid according to law, should be compelled in all cases to pay the present value of claims into the hands of the Commission. Again, there are instances in which employers or carriers are guilty of unfair practices in making payments of compensation in individual cases. The Commission should have the power and should exercise that power of calling immediately into its own funds for disbursement the compensation instalments yet due in such cases. In many cases also the employers in order to wind up their business or to liquidate all outstanding claims, request for their own purposes, the right to pay over to the Commission the present value of such claims. Under the present law, however, there seems to be no authority for receiving such cases as fall within the minimum established. I, therefore, recommend that there be created a fund to take care of these temporary, provisional or exceptional cases.

22. In cases of loss under the specific schedule with another disabling injury not permanent, compensation shall be paid for the specific schedule loss as well as for the disabling other injury.

Under the law concurrent awards may not be now paid and where we have a specific loss with a disabling injury compensation may not be paid for both. An example will illustrate the desira-

bility of this amendment. A workman loses his first finger for which he is entitled to forty-six weeks' disability. He receives at the same time other injuries which in themselves will disable him for forty-six weeks. Both disabilities are concurrent. At the end of the forty-six weeks when he recovers he is fully compensated with forty-six weeks' compensation and yet he has the loss of an index finger which he will carry through life. All this will be the better explained from a consideration of what gives rise to the specific schedules in compensation laws. Impairment of earning capacity is the measure of compensation but if a workman loses his finger, say, for instance, with a clean amputation, the period of disability is often but a few weeks after which he is able to return to the same employment at the same wage. This would seemingly indicate no impairment of earning capacity, and, yet, the next employer may take exception to his crippled hand or in after years the handicap as measured by earning capacity may become more apparent. Moreover, it used to be in judging such cases that each finger became the subject of an investigation and, of course, the measure of the impairment of earning capacity was speculative. Hence, the specific schedules were devised which adjudged in advance the commuted value in weeks of certain specific and permanent injuries, although admittedly the impairment would be spread for the injured workman over his entire future experience. In the light of this consideration it will be seen that to absorb the entire compensation for a specific schedule injury into the period of disability caused by concurrent injuries is to pay nothing at all for the specific injury and thus to work an injustice.

23. Amend numbered paragraph seven of section fifteen so that the \$100 to the State Treasurer will be paid if the injury arises out of and in the course of the employment and no award is made for dependency rather than "if there be no persons entitled to compensation."

When this amendment was first proposed it was proposed for the purpose indicated in the text of the paragraph. It was then calculated that it would require a hundred dollars in each case in which no awards were paid for dependent beneficiaries. In practice, there has arisen from time to time cases in which persons

who would have been entitled to compensation had they made application therefor, have later had their claims denied because they slept on their rights. The amendment proposed would cure this defect and permit of the collection from employers or insurance carriers of \$100 in each and every death case in which they do not have to pay compensation.

24. I firmly believe the law should be further amended in two important particulars, each of which is likely on first consideration to appear more radical than it is:

(1) All requirements of notice should be abrogated except the general notice to be given to the Commission by the employer and by the employee.

The excuse for the rule that notice should be given within thirty days (before the recent amendment, ten days) is that it brings home to the employer sufficient knowledge of the injury and the probable claim to arise therefrom to enable him quickly to investigate the circumstances for the sake of certainty with respect to the application of the law and thus to thwart claims wrongfully made. It is true that the failure to give notice may be excused when the employer has knowledge of the circumstances surrounding the accident and when he is not prejudiced by the failure to give notice. The practical operation of the rule, however, is not to this end, but, on the other hand, justice is oftener defeated than upheld in the cases in which the question of notice is the issue. Under the law, before its recent amendment and when the requirement of notice was ten days, there were not two cases in a hundred throughout the State in which the specific requirement of the law was met by the injured party. The reason was that the requirement was not known or known too late or the means of giving notice by the use of the Commission's forms was not at hand. The workmen in a general way know the provisions of the law but they do not know what particular things to do when they themselves are injured. Moreover, their minds are occupied more with their injuries. The time of notice has been extended to thirty days but in a great number of cases the formal requirement of notice is still omitted. Since the waiting period is fourteen days and since the claim is usually filed before thirty

days, the claim itself accomplishes the purpose of the notice. If it did not do so, then I should say that most of the cases would still fail, wanting formal notice. If it should be urged that the employer or insurance carrier would be prejudiced, it would also be true that the workman himself would be prejudiced and in a manner which would not call for excuse by the Commission, for by sleeping on his rights his case would be prejudiced by the difficulties of proof; but at all times the case could be considered on its merits and a meritorious case would not fail simply through want of formal notice. The statute of limitations would still stand as a bar to a claim after a year's time and this would be safeguard enough. I do not think that anyone is able to say that in the States without a rigid requirement of notice the administration of the compensation law is at all embarrassed or that injustice is fostered or rewarded thereby. As it is now, rightful claims have been defeated because of the notice requirement. We are also feeling the marked restriction of the court decisions in cases which have been taken up on the question of notice. This in nowise involves a criticism of the courts, for the provisions of the statute are so mandatory and unequivocal that the courts are bound to hand down the decisions we have received. It seems to me these very decisions in their rigidity suggest this amendment rather than that they intimate too much flexibility in the interpretation of the Commission. In the actual trial of compensation cases, when the question at issue is the question of notice, the trial commissioner must be impressed with the fact that the defense is usually more zealous to establish the failure to meet the technical requirement than to do simple justice.

(2) I suggest also that the compensation law should be amended so that cases would be compensatable if the accident arose "in the course of employment" rather than "out of and in the course of employment." According to the decisions, for an accident to arise out of the employment, it must flow from it as a natural, expected or ordinary sequence. This rule is too narrow for it will need no argument to convince that many an accident is attributable to the employment that does not flow from it as a natural or not unexpected sequence. I refer to such accidents

as in all likelihood would not have occurred at all to the workman had he not been engaged in the employment or had he been enjoying a holiday instead of a day of labor. The justification for this suggestion is to be looked for in sound social policy and in a generous view of things as they should be. Nor would the number of cases be greatly augmented or the cost much increased. On the other hand, we should not be often engaged in trying a case in which rights were so apparent notwithstanding that the remedy was restricted. Some States simply require that the accident must arise in the course of employment. The general experience in these States points to the fact that the amendment suggested might be adopted without fear. The tendency is undoubtedly in the direction indicated. We ourselves used to deny compensation for a street accident if the injury resulted from a hazard purely of the streets. The recent court decision tells us to grant compensation for any accident of the streets in which the employment offers the occasion for the workman to be in the streets during his employment. The illustration contains all the different elements between the two phrasings. Who can say that the slipping on a banana peel, for instance, "arises out of" the manufacture of munitions? And, but yesterday, we should have denied such a claim based upon such an accident, whereas to-day we grant it, and yet we grant it solely because of a generous interpretation and not from a new discovery of a logical relation between the manufacture of munitions and the slipping on a banana peel. Let this generous interpretation be but written into the law and all the needs of the proposed amendment are accomplished. And, again, the administration of the law would become much more simple, for we now spend a great deal of time and a great many cases go through the appellate court on this question alone. Meanwhile, employers pay just as much in premiums under the one law as they do under the other, for premiums are paid and reserves are set up on accident reports as well as on claims filed and awarded.

Even in a greater degree than last year has the bureau been disturbed because of its inability to maintain its office force according to the budgetary allowance or to keep a permanent staff of employees. This is attributable to the general difficulties of the labor situation in which all employers have shared, to the loss of

employees into the service of the United States army and navy and to the hiring away by insurance concerns and others of our trained help. At the end of the first seven or eight months of the year we had lost a total of 4,500 days' work through inability to maintain a force, each day's work of a single person being counted as a unit of employment. This is equivalent to one hundred employees for forty-five days or forty-five employees for one hundred days. This coupled with the fact that a new employee is for quite a while so much less useful than a trained employee will indicate what severe handicaps have constantly confronted us. Then, too, we have lost so many trained employees to outside employment through inability to offer sufficient wages to hold them that we have suffered this severe handicap also and especially in the relatively more important positions. Herein, therefore, will be found full justification for the increase in wages which appears in the budget which I have presented to the Commission. It seems fundamental that we should be able to maintain a permanent force, and, yet, in the four years since the law became effective we have had a labor turnover that would well nigh wreck any institution that would in itself endeavor to show a profitable experience to its managers or owners. And, yet, the conduct of the compensation law is essentially a business proposition. We deal with a vast number of items and we do a business of more than \$15,000,000 annually measured by benefits distributed and accrued. We have, therefore, every justification to ask that conditions be made such as to guarantee the permanency of our force and the retention of trained employees through adequate payment and recognition through deserved promotions. The expenses of the bureau are reimbursed to the State Treasurer from the insurance carriers. This expense is thus properly thrown against the business of compensation insurance. We are now done the very apparent compliment of training employees for the private carriers, thus visibly accomplishing year after year that which a great many persons are doubtful of, namely, that the State can never do a business as efficiently as private enterprises. Here we are able to point out private enterprise now successfully and satisfactorily conducted which is manned in several of its more important positions by trained men taken from the compensation bureau. Surely, we

who have to do with the entire compensation business of the State ought to be able to hold our employees against private concerns which in themselves do but a portion, and sometimes a relatively small part, of the compensation business of the State. By the standards which the private companies themselves fix, let our budget be made and we shall be able to hold our employees, and surely no objection can come from the outside which in itself sets a higher standard of wages than we are able to distribute. Our help changes so rapidly that it is entirely true that division heads are not always able to call their employees by their names. This is our severest handicap and especially do I plead that a remedy be found, for without it our good work never is shown forth as it should be.

Training in this work is quite different also from the average or ordinary employment. We not only have to teach employees how to do the routine work that comes to them, but we must motivate them and inspire them to respond to the impulses that create and make necessary the compensation law. They must be taught to love justice above everything else and then they must be taught to be sympathetic and kind to the workmen who visit our bureau (and counting repeated calls we have sixty to seventy thousand visits per annum). They must be taught patience with these workmen who come with their injuries and often with real or imaginary grievances and often in distress and almost always under conditions subnormal. This requires utter absence of officiousness. It requires training in tact and discipline which will enable the bureau to make contact with its multifarious field. Training, therefore, is essential, days of training, months of training and training which is utterly impossible with an ever changing force. Another justification for the budget proposed is that the compensation bureau salaries may compare with the other bureaus and divisions of the Commission. At present the wages are lower for an equivalent experience and ability. Promotions cause qualified help to drift into the higher paid positions and this means to drift out of the claims division and to be recruited through the claims division.

The claims offices established at Syracuse, Rochester and Buffalo have well justified their creation. They have brought the

administration of the law closer to the people whose interests are involved and have made possible a more flexible and quicker adjustment through the hands of the interested public. I want to bear testimony also to the faithful manner in which these offices have been conducted. They have been hard working and efficient and the Deputy Commissioners there have shown themselves fully capable to meet their new duties and requirements and they have proven to be faithful, wise and impartial judges when acting in their judicial capacity in the hearing of claims. The volume of work done in the up-State offices has been greater than was estimated and has been greater relatively in the last year than in previous years. This probably means that industrial development growing out of the war has been more marked in the up-State than in the metropolitan section.

The volume of business is reflected in the tables given above. Your attention is also called to the number of hearings conducted by the Deputy Commissioners outside their district offices. They are in fact circuit judges of compensation cases visiting at regular intervals the principal towns and cities of their respective districts to investigate and determine cases right on the ground. But the State is large and there are many outlying points which necessarily can be visited but infrequently. Our present facilities do not allow us to give the proper attention to the more isolated cases. Last summer I heard cases in the Adirondack section going from place to place. After each hearing I investigated by inquiries of bystanders and of other persons to discover if there were cases not properly taken care of. In almost every place I found one or more cases that required attention. They were cases which from the files in the bureau would not disclose the need of further attention or cases which had not been brought to the attention of the Commission at all, either through notice or claim. At Ausable Forks my inquiry was met with the response that some workman had not received sufficient compensation for an injured foot. The records of the bureau disclosed that the man had cut his foot with an axe and it had been sufficiently compensated. The file did not even contain a complaint or intimation of an extended disability. An inquiry elicited the information that he was a lumberjack out in the woods some twelve miles. He was sent for, appeared the

next day at the hearing at Plattsburgh, when it was discovered that an infection had supervened, that by necrosis he had lost the middle bones of his foot and that the infection was still very active. A complete loss of the use of the foot was indicated. The claimant was intelligent but could not read or write, and was not fully apprised of his rights under the law and was certainly in need of the bureau's assistance. Being in touch with the case, of course, it was thereafter properly taken care of. This is but an illustration to indicate the need of one or two employees in the up-State and at least one in New York City with roving Commissions to go from point to point throughout the State picking up these isolated cases and guaranteeing that the rights of the injured will be conserved. Such employees would also be able to answer the questions of employers as well as employees. I earnestly recommend, therefore, that provisions be made for this extension of the very necessary services of the bureau. It would supplement and make perfect the administration of the law in these outlying districts. These persons should be qualified to conduct investigations, administer oaths and when properly deputized to conduct hearings.

In order to correlate and unify the practices among the Deputy Commissioners in the district offices, conferences are held every three weeks at which is usually present one or more Commissioners. At these conferences difficult cases are considered and problems are discussed, all making for unity and harmony in administration.

In the recommendations for amendments (see No. 19) there are certain observations with respect to self-insurance to which your attention is respectfully directed. Self-insurance is justifiable and in many cases has worked very well in the State of New York. Especially in the early days when there has been much quarreling over ultimate compensation cost have certain self-insurers been able to obtain their own insurance at actual cost through self administration of the law. Self-insurance is justified on the part of any employer who has a sufficiently large payroll exposure to allow the law of averages to work upon it as it works upon the combined employers of his class or who is financially so well intrenched as to be able to meet any unexpected loss.

Such employers should fortify themselves with insurance against a catastrophe experience and this they will be able to do for a small premium outlay. In addition thereto, they will reap the incidental good results of being able to deal directly with their workmen, thus making practical application of whatever solicitude they may have for them over and above the average employer. But the Commission should have and should exercise a rigorous discipline against those self-insurers who seek self-insurance for no other reason than a pecuniary one, namely, to save the last cent possible. Such employers are not just employers and their workmen are victims of injustice.

Insurance with the better insurance carriers is commendable above self-insurance of an impecunious employer.

The Commission has recently increased the amount of securities required to be deposited against accrued liabilities of certain self-insurers, thus perfectly safeguarding the rights of claimants.

The non-insurer, or the employer who is in default of compliance with the requirements of the law to insure compensation to his injured workmen, is a real problem. They are more numerous than we anticipated and being usually small employers, they are unable to pay losses that have accrued against them, so that we have some startling cases of distress that are uncompensated and will forever remain so. I have recommended that the penalty be made more severe and that we enter into a period of rigorous enforcement of the law against them. It is true that the statute does not require the Commission to seek out these non-insurers to compel them to insure, but, nevertheless, the Commission has undertaken to do this and during the past year the bureau has addressed itself with zeal to the problem. The Commission by allowing the use of the field men of other bureaus has made this possible, and testimony is not withheld of the efficacious work of the inspectors of the inspection bureau who have been furnished with cards upon which to report cases of non-insurance. The reports which have come in, supplemented through subsequent investigation, disclose that out of 1,000 cases, 108 are out of business, 118 are not under the law, 85 have insurance, that 420 are easily compelled to insure and that much more effort has to be expended on the other 269. Up to the time of the writing of this

report 9,900 cases have come in, but the jurisdiction of the inspectors does not extend to every employer who is amenable to the law so that there are no doubt other employers in default of compliance with the law who are not even known to us. The number of compensation cases yielded from this class of employers were approximately 450 during the year and 1,100 during the previous year. As soon as an award is made against such a non-insurer, it is commuted to its full present actuarial value and referred to our counsel for collection and thousands of dollars have been collected and turned over to the beneficiaries of awards.

There will always be the law-breakers and in this connection the bureau and the Commission are acutely conscious of the situation and are addressing themselves as best they can and with a fair measure of success to cure the evils that they have discovered.

With respect to the maritime cases we have an unfortunate situation. Our groups eight and ten seemed to cover the maritime occupations but a court decision ousted us of this jurisdiction. Then on October 6, 1917, Congress enacted an amendment to the Federal judicial code, giving concurrent jurisdiction to the Commission, and thereafter the Legislature re-enacted the maritime groups defining them as hazardous employments, but it is our experience that very many cases are begun with the Commission and after they have gone so far even as to the making of awards, settlements between the parties are effected outside our jurisdiction in lump sums and we have nothing to do but to close the case without further action. Our hand of control, therefore, is losing in such matters and we are not confident of the final results in accident cases of maritime occupation. Of their cost we shall lack knowledge. But the side lights of experience growing out of these claims only emphasize the controlling necessity of the State's administering such laws. We are led to believe that for a relatively small lump sum in hand, claimants will trade away their superior compensation rights.

Reference to previous reports is made for a discussion of the Commission's public calendar which is the pride of the bureau. Every day emphasizes the importance of the public hearing to be held as quickly as possible after notice of the compensatable claim is brought to the attention of the Commission, and with every

facility for a hearing of all parties in interest supported by the investigation and recommendation of the claims bureau. These public hearings guarantee the most expeditious handling of claims and certain justice quickly secured. There is a constant tendency, therefore, to increase the use of these public calendars. Throughout the State 34,048 cases were called in the last year upon public calendars. In short, these hearings comprise actual trials of the cases, reducing at once to a known certainty the stipulated facts and the disputed points at issue. And now that the medical benefits are so much better secured by the recent splendid amendment to section 13, we have and will have an ever increasing number of medical cases to be heard. All this with a large and efficient medical division capable of examining many thousands of cases in a year enables us to despatch our business with such speed as to satisfy the most exacting. We are handicapped for sufficient hearing rooms and we could well use one or two more hearing Deputy Commissioners. I know that nothing meets with less sympathy than a demand for greater appropriations for a department of government and we thoroughly appreciate the problems which confront the Legislature affecting taxation. We are likewise conscious of the startling increase in these later years in our State and municipal budgets, but through it all our claim for sufficient money to carry on this great work must courageously be voiced. Compared with benefits distributed the cost of the compensation bureau is a little over 2 per cent. Compared with premiums collected it is but $1\frac{1}{2}$ per cent. Now, when we pick up the report of the State Insurance Commission and examine the expenses of the various insurance companies privately conducted and see in their single items of home office expense their expenses amounting in some instances to 30 per cent of earned premiums and averaging among forty-five carriers 9.4 per cent, to say nothing of the claim adjustment expense of the same carriers averaging among forty-five carriers 11.37 per cent, the question must always be, how is it that the State in its compensation bureau is able to show forth an experience so much better than the very best of any outside company or institution and this in the face of the very serious handicaps with respect to help and the maintenance of a personal force related above.

Throughout the year separate calendars handled in the New York office by the Deputy Commissioner in charge have been held in death cases. The seriousness of the issues involved and the vast amount of money distributed with the greater tendency to dilatory practices on the part of interested parties have necessitated more attention to death cases, so that a separate unit handles them in the claims division and they are heard on calendars for death cases alone. This practice has been justified by results.

Numbered paragraph 7 of section 15, of the compensation law provides for the payment into the State Treasury of \$100 in each death case in which there are no persons entitled to compensation, the fund to be used to pay for the totality of disability resulting through the loss of certain members by employees who had lost members in a previous employment. This amendment became effective July 1, 1916. The shortest disability for the loss of any member under this provision is for the loss of an eye, 128 weeks. It will be seen, therefore, that no claim for compensation could arise out of this fund sooner than 128 weeks after June 1, 1916, or November 14, 1918. We have, therefore, at the time of the writing of this report just entered into this period. No claims have been filed. From time to time opportunity will be given claimants apparently entitled to compensation under this section to file claims. There is every reason to believe that the fund so created will be entirely adequate for the purpose intended. This provision of the New York law, by the way, has met with universal approval and other States will undoubtedly copy it. Employers otherwise fear to employ crippled or handicapped workmen if they are charged with the totality of disability resulting from an injury sustained in their employment and the previous disability. The New York plan charges the employer with the results of the loss from the last injury and by providing this general fund removes the objection and acts as a great aid to the benevolent work of rehabilitation. So far \$26,000 has been collected into this fund, with \$8,000 more to collect.

Our adjustment calendar heard every Thursday continues to dispose of those cases of permanent injury in which there is little or no impairment of earning capacity. This year there have been 778 cases on this calendar. The year previous there were

1,200 cases on this calendar. The number is very large and may occasion some apprehension when it is remembered that the law favors periodical payments. And it must be admitted that there is some risk that the amounts received will be wasted or thriftlessly used. I have often feared that the future years may show these beneficiaries without money and living examples of our unwisdom in granting so many lump sums. That the matter may be brought up for further consideration, if necessary, I shall recite again the considerations which created and which afford the reasons for the continuance of this calendar: Our law pays compensation based on impaired earning capacity, but we have this large number of cases in which there is a permanent disability of a more or less serious nature, and yet, in many instances without any impairment of earning capacity as measured by the present time. The injuries are usually cases of ankylosis of elbows or knees or ankles, flat feet, shoulder involvements, shortened legs, etc., and all neurosis cases. There are cases in which the absolute permanent result has been reached, cases for the most part in which the claimants are able to work and earn something, often even more money than they were earning at the time of injury. This ability to earn more money is based upon the prevailing demand for workmen. Should they be not thus settled they will remain open cases on our calendar to be heard more or less infrequently throughout a life time, for whenever the claimant's wages drop below what he was getting before his injury, his impairment of earning capacity will be indicated. It is conceivable that other causes than the disability itself may contribute to the impairment. For example, those who were entitled to compensation on an impaired earning capacity in 1914 and 1915 would during the subsequent years have gone without compensation because the high wages offered would enable them to earn much more money than they were earning at the time of their injury, although less money than they could now earn without the handicap. On the other hand, persons put on an impaired earning capacity in 1917 or 1918 would have that impairment of earning capacity greatly increased in any subsequent year of general unemployment. These extraneous matters would render it very difficult to adjudge the case strictly on its legal merits. These cases are never adjusted

against the will of either party in interest nor is the adjustment ever made or approved unless the Commission feels that full justice has been done to the workmen. It is needless to say the workmen desire this form of adjustment of their cases and so do the insurance carriers and for the reason given above. It may be said that the carriers are willing to adjust these cases because of these considerations, hence the cases are adequately paid, the only question remaining being the doubtful application of the money received which has to be paid in a lump sum if such adjustments are made. Otherwise the claimant would prefer to let his case remain on the basis of impaired earning capacity. This form of settlement enables the Commission also to make compensation awards in many a case in which otherwise no compensation would ever be paid because there are many claimants who have sufficient courage and adaptability to enable them to overcome their handicap and straightway to enter upon a more gainful occupation.

It is this class of cases which has been referred in numerous instances to the Red Cross Institute for the rehabilitation of cripples and for teaching the handicapped. This pioneer work is worthy of every commendation, for it has already amounted to a demonstration that the misfortune of accident may be turned into a blessing by leading the crippled and handicapped into schools where more lucrative trades or occupations are taught and seems to give the cue to the great work, rehabilitation, which with prevention is the complement of the compensation law. Prevention, compensation, rehabilitation, what wonderful means are these to safeguard and benefit the workman! And it may be said that the first and last were outgrowths of the compensation idea. The analysis of compensation cases brings home in the most striking manner the fact that most accidents might well be avoided. It is improper to charge all accidents to chance when most of them should be charged to ignorance and carelessness and lack of foresight. The great cost of compensation furnishes a tremendous natural incentive to industry to prevent accidents and thus to save money. That this knowledge has been brought home to industry in a practical manner is completely demonstrated by the great diminution in the number of accidents noted in the report for this year as compared with last year. It was a confident forecast that

we made that the current year covered by this report would witness more accidents than the preceding year, but instead there have been 26,535 fewer accidents at a direct saving of nearly \$1,500,000 of cost and this in the face of a year of tremendous industrial activity. It shows, beyond a doubt, that safety methods are beginning to bear fruit. We attributed the diminished number of accidents to three causes: (a) that because of high wages claimants with minor injuries returned to work without claiming compensation; (b) effectiveness of safety appliances; (c) increasing skill through a more steady employment; but I now minimize this first cause and add a fourth one, for the number of accidents and the number of claims have diminished correspondingly, whereas if this cause were one of the considerable causes, we should have had accident frequency remaining at its height with only a diminution in the number of claims. To my mind, it is unmistakable evidence that the safety-first campaigns are bearing rich fruit. But it is only a beginning. The number of preventable accidents is never put lower than 50 per cent of the number denoted by our current experience. By some it is estimated as high as 70 per cent. The fourth reason for the reduction in the number of accidents is to be found in the great curtailment of activity in the building trades and in the subway construction in New York City, and the going out of the State into New Jersey and Pennsylvania of numerous workmen to take up employment in munition plants and in other war industries. This cause also explains the relative diminution of cases handled in the New York City office as compared with cases handled up-State. Previous reports have shown this ratio to be 3-1, whereas it is now nearer 3-2.

With the cost of compensation in the State of New York approximating \$80,000,000 in the past four years, you have an outlook upon the field against which this endeavor should be further and further applied.

Then, for the accident cases, compensation.

And, then, rehabilitation wherein through the application of intelligence, patience and good will, the crippled in industry are deflected out of their former vocations into occupations suitable to their remaining faculties which are taught until the handi-

cap, the misfortune, is turned into a blessing. This is, indeed, a new day. Not only is the workman restored to employment, but that long period of depression of heart and soul and of misery and distress to himself and others is prevented. We might even go further and say that the increased earnings of the future years will recoup all the loss in dollars and cents so that pure compensation loss is swallowed up in the gain which results from prevention and in the other gains which result from rehabilitation.

So it may be said with firm conviction that every good thing in the order of Providence is attended by a visible demonstration that it means saving, not loss; that it means sound economy, not waste. This reflection is encouraging. It bids us proceed with confidence into the new day when motives of justice rather than of cupidity may prevail, when right rather than expediency shall guide. And, strange, indeed, to say, in this we are in some sense but catching up with the past, for long ago when the human heart was better educated even if the human mind generally was not so well educated, we find compensation laws and principles well defined, well established and in practical operation.

Aside from the details herein recited, I have little else to report. The development of the compensation law has been steadily progressive. We have endeavored to give it proper tendencies and direction and to curb and restrain wrong tendencies as soon as they appeared. In these early days of workmen's compensation in New York it has been quite as much our problem to establish the law along right lines as it has been to administer it as written. To this end we have worked steadily. We have given ear to everybody's cause. Our offices have been open to every visitor whether on his own business or on the business of another. We have sought to be useful to the injured workmen, never turning them away without patient explanation. We have expended much energy to assist him in pressing his claim. We have followed his case after its completion time and again to see that the compensation awarded was received. On the other hand, we have fought against any inroads to weaken either the law or its administration. We have not allowed ourselves to become involved in technical rules of procedure, nor to be turned aside from a steadfast determination to ascertain the facts and the

truth and we have striven to prevent the claimants from being taken advantage of by those who transact a compensation business as a commercial enterprise. We are well aware that for the carriers time tends to take the sentiment out of even so fine a law as the compensation law and leaves instead the temptation to keep an eye single to considerations of profit and loss. The outgrowth of this tendency is reversion towards the so-called "settlement" which is and always has been an abomination. It was the heart of evil of the old system. It must be forever kept outside the doors of the new. Cupidity is bad enough in itself even when subjectively considered. It is still bad when its able forces play against equally able forces of cupidity of others in the give and take of the great world of business; but it is always and forever out of place when arrayed against distress, for the contest is so unequal. In our hands is placed the instrument of equalization of the contest; in other words, we are instruments of justice. May we and everybody who has anything to do with workmen's compensation be motivated by justice.

WILLIAM C. ARCHER,

Second Deputy Commissioner.

(2) REPORT OF STATE INSURANCE FUND

To the Industrial Commission:

The year 1918 was the best thus far in the history of the State Fund. The amount of premiums written during the year was \$3,332,841.88, as contrasted with \$2,694,851.17 for the year 1917. The reserve for losses increased from \$3,020,862.22 to \$3,316,116.40, and the surplus grew from \$398,682.22 to \$817,210.50. The total assets expanded from \$3,754,261.65 to \$5,453,212.08. The loss ratio for the twelve months ended December 31, 1918, was only 50.5 per cent as against 91.4 per cent for the preceding twelve months. The expense ratio declined from 11.3 per cent to 7.5 per cent. These figures exhibit in a broad way the notable improvement that took place during the year in the accident experience and the financial condition of the State Fund.

In one respect it would appear that the State Fund lost ground during the year, as the number of policyholders fell from 9,984 to 8,782. When the causes of this falling off are examined, however, the loss is found to be apparent rather than actual. The decline was due mainly to two causes: first, the retirement from business of small employers on account of war conditions; second, the cancellation of policies for non-payment of premiums, in consequence of more systematic attention to overdue accounts. Notwithstanding the decline in the number of policyholders, the volume of semi-annual premiums in force increased from \$810,576.79 to \$940,902.83. That is, measured by the volume of premiums, the new business written during the year more than offset the loss of business through withdrawals and cancellations. In short, there took place a substitution of large for small risks.

The improvement in the experience of the State Fund during the year, and in its condition at the end of the year, may be traced primarily to two causes: increase in the premium income and decline in the number and severity of accidents. The premium income increased, entirely apart from the writing of new business, through the larger premiums yielded by the high wage scale in force during the war period. Double pay for overtime work contributed particularly to this increase. At the same

time, the State Fund was enabled through a larger appropriation for this purpose to audit policy payrolls somewhat more systematically than during the preceding year. The decline in the number and severity of accidents, which set in during the last half of 1917, would seem to be due to the fact that industry had readjusted itself on a more settled basis after the extremely confused conditions of 1915 and 1916. Another factor in this decline was the withdrawal of some highly undesirable risks in consequence of rate readjustments. The general improvement in safety equipment and organization of industrial plants must also be set down as a contributing cause of the fall in the accident rate.

While the effect of war conditions was thus in one respect beneficial to the State Fund, through increased premium income resulting from swollen payrolls, in another respect the effect was most unfortunate. The State Fund lost twenty-seven employees through voluntary enlistment or draft. Among these were several of the most valuable members of the organization. It was practically impossible to find competent substitutes for the trained employees thus lost, especially as appointments could be made only temporarily, for the duration of the military vacancy in each case. The task of filling the military vacancies was rendered doubly difficult by the restrictions of the civil service and the budget. The State Fund is obliged to compete with private insurance companies for employees, as well as for business, and in such competition is severely handicapped by restrictions from which its competitors are free. The lack of elasticity and adaptability in the administrative conditions imposed upon the State Fund under the budget and the civil service was strikingly illustrated during the war period.

DIVIDENDS

The favorable experience of the year made it possible to resume the payment of dividends in the general groups. A dividend of 10 per cent was declared on the business of the policy term ended December 31, 1918, to be credited on the renewal premiums of all policyholders in the general groups, with the exception of those whose losses for the period exceeded the premiums. A reserve of \$235,258.19 was set up to provide for the dividend payments. At the same time, in order to insure the continuance of dividends

in future policy periods, even if business readjustments following the war should result in some increase of the loss ratio, a special reserve of \$200,000 for experience fluctuation was set up as is later explained. In the special groups, as heretofore, dividends were credited in accordance with the amount of the earned surplus in each case.

RESERVES

The increase in the loss reserve for the year was comparatively small, amounting to less than \$300,000. The small amount of increase was due chiefly to the favorable experience of the year. The loss reserve was set up as of December 31, 1918, according to the same methods used in the preceding annual statement. Tests of the adequacy of this reserve indicate that it is amply sufficient to provide for all outstanding obligations on account of incurred losses.

The reserve for securities fluctuation represents the difference between the book value of the investments and the market value at the date of the financial statement. This reserve was first set up in the financial statement of June 30, 1918, upon the recommendation of the actuary at that time. The valuation of the securities of the State Fund, according to the market quotation as required by the State Insurance Department, showed a nominal depreciation of \$121,183.15, and a reserve of that amount was accordingly set up for investment depreciation. The actuary in recommending the establishment of this reserve pointed out that, while, of course, there is no likelihood that the State Fund will be called upon to liquidate any part of its investments, nevertheless, by reasons of the requirements of the State Insurance Department and the practice of stock casualty companies, it seems desirable and proper that the State Fund should at all times be able to show a satisfactory financial condition upon a market value basis. In order to make this possible a sum equal to the excess of the book values of the investments over the market values was set up as an item in the liabilities of the State Fund. In the financial statement of December 31, 1918, the amount of this reserve was increased slightly, to \$124,454.58.

A reserve for experience fluctuation, amounting to \$200,000, was first set up in the financial statement of December 31, 1918. As appears from the previous review, the experience of the State

Fund during this twelve months' period was unusually favorable. But signs of industrial unrest indicate that the experience of 1919 can hardly be expected to be so favorable. Indeed, the experience of the near future may prove to be distinctly unfavorable, in consequence chiefly of reduced premium income due to smaller payrolls and increased losses caused by a greater hazard in industrial operations during the period of business readjustment following the war. In order to guard against this contingency, a special reserve for experience fluctuation was established. The principal object of this reserve is to enable the State Fund to maintain dividends in the general groups even in the face of an unfavorable experience in the near future. It is recognized that the State Fund would be in a much stronger position in competition with mutual companies having established dividend rates if it were able to maintain for future policy periods a dividend rate of not less than 10 per cent in the general groups. In order to stabilize dividends to some degree, it, therefore, seemed advisable to set aside a part of the large surplus earned during the year 1918, to be used if necessary for the payment of dividends in the general groups during any period of adverse experience.

The reserve for dividends, which appears for the first time in the financial statement of December 31, 1918, represents simply an estimate of the amount of dividends to be credited to the general and the special groups. That is, the amount of the prospective dividends was set up as a liability in advance of the actual payment of such dividends. This reserve, amounting to \$235,258.19, represents 10 per cent of the earned premiums of the six months' period ended December 31, 1918, with an additional lump sum of \$50,000 to provide for dividends in excess of 10 per cent in groups earning a surplus that would warrant larger dividend percentages.

RATES

The rates adopted for the State Fund April 18, 1917, have continued in force during the year 1918 with only occasional modifications in the case of individual classifications that called for some readjustment. Likewise the rates of the casualty companies, as effective December 31, 1917, have also been maintained in effect. The State Fund, as pointed out in the last annual report, did not adopt the rate increase of 5 per cent which was put into

effect by the casualty companies as of December 31, 1917. This 5 per cent advance in the company rates and the differential of 10 per cent, as previously applied by the State Fund to the manual rates of the companies, left the State Fund rates, in general, about 15 per cent lower than the company rates. It may be noted here that the judgment of the State Fund management in not applying the 5 per cent increase of rates on account of war conditions has been justified by the experience of the year, which shows that the 1917 rates without such increase were adequate to provide for compensation payments and for sufficient reserves and surplus with a margin for dividends.

There was some consideration during the year of a possible general revision of rates, but in view of the pressure of war conditions and the uncertainties of the future, the National Reference Committee decided that the time was not opportune for such a revision. In view of the larger volume of experience now available, it seems not unlikely that there will be a general overhauling of the manual during the year 1919. The State Fund will undoubtedly give close attention to this revision and will make such adjustments in rates as experience warrants, having due regard to the competitive conditions which it must face.

During the latter part of 1917 and early part of 1918, the National Reference Committee on Schedule Rating, prepared a thorough revision of the schedule for determining adjustments of manual rates, in accordance with the physical conditions of plants, the results of its labors being known as the Industrial Compensation Rating Schedule for 1918. This schedule, which was put into effect in New York on all policies becoming effective as of midnight June 30, 1918, and thereafter, was adopted by the State Fund for modification of its rates.

EXPERIENCE RATING

The National Reference Committee on Workmen's Compensation Insurance, to which, as noted in report of the State Fund for 1917, was referred the subject of experience rating, reported in the spring of 1918 a new plan of experience rating. This plan is fundamentally different from any heretofore put into operation. Actual working out of rates under it is a rather complicated process, but the plan itself rests upon certain broad and fairly simple principles and assumptions.

It is assumed, in the first instance, that the manual rates for the several classifications are correct, or as nearly so as they can be made, and rest upon such a volume of data as is necessary to determine such correct and dependable rates. It is admitted that this assumption is not strictly correct as to all classifications, but, in the absence of knowledge of the extent to which individual rates are inaccurate, the assumption seems to be the best that could be adopted for the purpose. Starting from this point, the plan proceeds on the proposition that the correct rate for the individual risk is an average between the indication of its own experience over a reasonable period and the manual rate, the indication of the individual risk being weighted according to its size relative to the exposure underlying manual classification rates. The result of this is that much more weight is given to the indication of the experience of a very large risk than one of moderate size, and a minimum weight is given the experience indication of a very small risk. In the former case the effect of the plan, through the operation of charges or credits, is to bring the rate for the risk very nearly into accord with its own actual experience. In the latter, the effect of the individual experience is minimized and the possible departure from manual rates, either in the form of debit or credit, is restricted to a very narrow range.

The actual cost of accidents is made the basis of experience rating rather than the number of accidents, as in certain earlier plans, but the actual cost is not taken gross without analysis, since there are certain types of accidents, such as deaths and permanent total disabilities, whose individual cost is very large, but whose occurrence is relatively rare. In contrast with these are other types of accident involving either temporary disability or medical cost only and of relatively frequent occurrence. Therefore, in the process of developing the experience rate the premium is divided into two parts, one representing the death and permanent total disability provision in the rate and the other the balance of the rate, and the comparison between manual rate and experience indication of the individual risk is made separately for these two elements, the final result being expressed as a percentage of the total rate.

Under plans heretofore in effect it has been deemed necessary to put in certain arbitrary stop limits to prevent excessive charges

or credits, especially on the smaller risks. By reason of the principles upon which the present plan has been constructed, such arbitrary limits have not been deemed necessary, although the plan excludes from its operation risks whose annual premium is so small that the resulting modification of the rate under the plan would not warrant the expense involved in its calculation.

This plan, which has become effective in nearly all of the compensation States, was adopted in New York and became effective on policies issued or renewed subsequent to June 30, 1918. As the plan requires the submission of experience over a considerable time in the past, involving the obtaining of experience in many cases from the carrier previous to the one now covering the risk, there has been considerable difficulty and delay in getting it into effective operation. Among those who have closely followed its operation, it is the view that serious discrepancies have not shown themselves to any appreciable extent in the individual risks that have been rated. The plan has not been in effective operation sufficiently long to permit an authoritative statement of its effect upon the premium income of the companies as a whole. Officials of the Compensation Inspection Rating Board are giving close attention to the matter, and, if the results should be found unsatisfactory in any respect, further adjustment of the plan would undoubtedly be considered.

ACCIDENTS AND INSPECTIONS

The number of accidents reported during the year 1918 was 22,510, as compared with a total of 21,609 in the preceding year. The number of compensatable cases was 3,578, which represented a falling off of over 2,000, as compared with the number for 1917. There were 117 death cases, two permanent total disability cases, 421 permanent partial disability cases and 3,038 temporary total disability cases. The State Fund furnished medical aid in 18,883 cases at an average cost of \$13.88 per case; the corresponding totals for the preceding year were 14,271, and \$14.69. In comparing the figures of 1918 with the experience of 1917, these features stand out particularly: first, the decrease in the number of compensatable cases; second, the increase in the number of cases in which medical aid was furnished, and the decrease in the average medical cost per case.

BUDGET

It is vitally important that the State Fund be given an appropriation for the next fiscal year adequate for the needs of the growing business. Provision must be made both for salary increases and for additional employees if the service is to be maintained on a proper plane of efficiency. The State Fund is obliged to compete for employees with the private casualty companies, and should be placed in position to offer trained employees holding positions of responsibility the pecuniary inducement necessary to retain their services and to stimulate enthusiasm and loyalty on their part.

The most urgent need for additional employees is in the payroll auditing division. In 1918, the State Fund had an average force of five payroll auditors in the field working for an average period of thirty weeks; the amount of additional premiums obtained through audits was \$185,000, at a cost of less than \$12,000. In short, for every dollar expended for payroll auditing, the State Fund obtained sixteen dollars in additional premium income. There is no doubt that if the State Fund had an adequate force of payroll auditors it would be able to secure additional premiums, otherwise uncollectible, to the amount of at least a quarter of a million dollars.

It should not be forgotten that every dollar expended by the State Fund out of the legislative appropriation for its expenses must be refunded to the State treasury, as the State Fund is entirely self supporting, all its expenses being paid by the policyholders. In view of this fact, the manager desires to renew the recommendation made in last year's report that the State Fund be relieved of the present unbusinesslike and burdensome method of financing itself out of a legislative appropriation and be permitted to pay its expenses directly out of premium receipts, the source from which these expenses finally come. This arrangement would give the State Fund at least some of the flexibility in its fiscal administration which is enjoyed by its competitors, the private casualty companies.

F. SPENCER BALDWIN,

Manager State Insurance Fund.

COMPARATIVE STATEMENT OF BUSINESS OF STATE INSURANCE FUND

	Six months ended Dec. 31, 1914	Twelve months ended Dec. 31, 1915	Twelve months ended Dec. 31, 1916	Twelve months ended Dec. 31, 1917	Twelve months ended Dec. 31, 1918
Number of policyholders.....	7,125	8,507	9,966	9,984	8,782
Premiums in force.....	\$689,764 94	\$674,973 64	\$797,743 31	\$810,576 79	\$940,902 83
Net premiums written.....	689,764 94	1,293,612 75	2,048,128 91	2,694,851 17	3,332,841 88
Earned premiums	645,154 02	1,269,432 61	2,045,925 52	2,681,376 01	3,252,965 24
Expense incurred	82,446 57	193,232 97	188,020 08	302,796 92	246,639 75
Expense ratio to earned premiums.....	13%	15.2%	9.2%	11.3%	7.5%
Losses and loss reserve.....	\$393,572 12	\$820,652 96	\$1,890,229 34	\$2,448,465 00	\$1,060,471 70
Loss ratio to earned premiums.....	60.9%	64.6%	92.4%	91.4%	50.5%
Dividends allowed .....	.....	\$347,541 45	\$240,084 74	\$150,420 83	\$229,966 45
Investments	\$538,937 50	1,059,824 91	1,854,642 50	2,680,155 00	4,184,288 00
Surplus	250,161 71	377,399 45	253,179 44	398,682 22	817,210 50

FINANCIAL STATEMENT OF STATE INSURANCE FUND
DECEMBER 31, 1918

ASSETS	
Investments	\$4,308,742 58
Cash in bank.....	656,712 37
Accrued interest	51,740 96
Policyholders' accounts	436,016 17
Total.....	<u>\$5,453,212 08</u>

LIABILITIES	
Reserve for losses	\$3,316,116 40
Reserve for deferred claim expenses.....	266,011 49
Reserve for unearned premiums	157,985 92
Reserve for current expenses	336,175 00
Reserve for experience fluctuation	200,000 00
Reserve for securities fluctuation	124,454 58
Reserve for dividends to be paid.....	235,258 19
	<u>\$4,636,001 58</u>
Surplus	817,210 50
Total.....	<u>\$5,453,212 08</u>

INCOME AND DISBURSEMENTS FOR TWELVE MONTHS ENDED
DECEMBER 31, 1918

INCOME	
Net premium income.....	\$3,332,841 88
Interest income:	
Interest received on in-	
vestments	\$139,821 37
Accrued interest on in-	
vestments Dec. 31, 1918	49,624 86
Total interest on investments...	<u>\$189,446 23</u>
Less—Accrued interest on	
investments Dec.	
31, 1917	\$32,171 66
Interest accrued on	
bonds acquired.. ..	10,669 10
	<u>42,840 85</u>
Net interest earned on investments.....	\$146,605 38
Interest received on de-	
posits	\$10,196 59
Accrued interest on de-	
posits Dec. 31, 1918.....	2,116 10
Total interest on deposits.....	<u>\$12,312 69</u>
Less—Accrued interest on deposits Dec.	
31, 1917	2,608 82
Net interest earned on deposits.....	<u>9,703 87</u>
Total net interest income.....	156,309 25
Miscellaneous income:	
Profit received on bonds matured.....	\$17 02
Interest on outstanding premiums.....	14 13
Total miscellaneous income.....	<u>31 15</u>
Total income.....	<u>\$3,489,182 28</u>

INCOME AND DISBURSEMENTS FOR TWELVE MONTHS ENDED
DECEMBER 31, 1918 — (Concluded)

DISBURSEMENTS	
Losses paid:	
Medical	\$207,097 47
Temporary total disability	544,061 24
Permanent total disability	1,307 97
Dismemberment	440,010 71
Death—Dependency	157,723 38
Death—Funeral expense	15,286 75
Total losses paid	\$1,365,217 52
Expense of administering commission (Sec. 77), year ended June 30, 1917	34,636 65
Profit and loss charges	703 52
Increase in reserves:	
For losses	\$295,254 18
For deferred claim expense	11,810 16
For unearned premiums	49,876 64
For expenses	200,192 94
For deferred expense on account of losses prior to Jan. 1, 1918	163,575 46
For experience fluctuation	200,000 00
For dividends to be paid	235,258 19
Gross increase in reserves	\$1,155,967 57
Decrease in reserves:	
For loss payment suspense	\$206 90
For uncollectible policyholders' ac- counts	4,620 59
Gross decrease in reserves	4,827 49
Net increase in reserves	1,151,140 08
	<u>\$2,551,697 77</u>
Total income	\$3,489,182 28
Total disbursements and increase in reserves	2,551,697 77
Surplus earned twelve months ended Dec. 31, 1918	\$937,484 51
Surplus Dec. 31, 1917	398,682 22
	<u>\$1,336,166 73</u>
Less decrease in value of investments, twelve months ended Dec. 31, 1918	109,792 87
	<u>\$1,226,373 86</u>
Dividends allowed, twelve months ended Dec. 31, 1918	229,956 45
	<u>\$996,417 41</u>
Anticipated audit additions—written off	179,206 91
Surplus—catastrophe	\$537,282 32
Surplus—unassigned	279,928 18
Total surplus Dec. 31, 1918	<u>\$817,210 50</u>

INVESTMENTS OWNED BY STATE INSURANCE FUND AS OF DECEMBER 31, 1918

Description	Interest		Date of maturity	Book value	Par value	Rate used to obtain market value	Market value
	Rate	When paid					
New York City.....	4½	M. & S.	1964	\$120,078 13	\$125,000	96	\$120,000
City of Brooklyn.....	5	J. & J.	1919	178,937 50	175,000	100	175,000
New York City.....	4½	M. & S.	1964	149,625 00	150,000	97	145,600
New York City.....	4	M. & N.	1959	109,758 75	113,000	91	102,880
New York City.....	4	M. & N.	1959	35,982 50	37,000	91	33,670
New York City.....	4	M. & S.	1959	23,906 25	25,000	91	22,750
New York City.....	4½	M. & S.	1964	24,906 25	25,000	97	24,250
Albany, New York.....	4½	M. & S.	1955	50,562 50	50,000	98	49,000
New York City.....	4½	J. & D.	1960	24,531 25	25,000	96	24,000
New York City.....	4½	J. & D.	1965	101,937 50	100,000	101	101,000
North Hempstead, New York.....	5	M. & S.	1920/34	32,145 00	30,000	20-21-101 22-2-102 24-5-103 etc.	31,280
County of Westchester, N. Y.....	4½	J. & J.	1949/54	109,471 00	100,000	100	100,000
City of Niagara Falls, N. Y.....	4½	M. & N.	1949/51	27,545 94	26,000	100	26,000
City of Mt. Vernon, N. Y.....	4½	M. & N.	1953/4	55,942 82	50,000	103	51,500
City of Batavia, N. Y.....	4½	J. & J.	1929/34	50,006 40	48,000	99	47,520
City of Batavia, N. Y.....	4½	J. & J.	1935/6	18,231 50	17,500	98	17,150
City of Batavia, N. Y.....	4½	J. & J.	1929/34	4,688 10	4,500	98	4,455
County of Erie, N. Y.....	4½	J. & J.	1951/2	8,831 73	8,000	100	8,000
New York City.....	4	M. & N.	1943/6	76,849 88	75,000	96	72,000
City of Mt. Vernon, N. Y.....	4½	M. & S.	1962	25,718 75	25,000	96	24,000
City of Yonkers, N. Y.....	4½	M. & N.	1956 & 62/3	58,442 65	55,000	100	55,000
City of Yonkers, N. Y.....	4½	A. & O.	1923/30	32,166 44	31,000	100	31,000
City of Yonkers, N. Y.....	4½	A. & O.	1931/56	123,477 46	119,000	100	119,000
New York City.....	4½	M. & S.	1930	206,736 00	200,000	98	196,000
City of Yonkers, N. Y.....	4½	M. & S.	1941-54	293,684 38	285,000	98	273,600
City of Yonkers, N. Y.....	4½	A. & O.	1921/5	35,499 70	34,000	100	34,000
City of Little Falls.....	4½	A. & O.	1921/5	41,722 42	41,000	100	41,000
New York City.....	4½	J. & D.	1929/34	64,578 00	60,000	103	61,800
U. S. of America, 1st Liberty Loan.....	4½	J. & J.	1967	101,625 00	100,000	101	101,000
New York City.....	4½	J. & D.	1947	60,000 00	60,000	93	55,800
New York City.....	4½	M. & S.	1926	50,550 00	50,000	101	50,500
City of Niagara Falls, N. Y.....	5	A. & O.	1923	10,315 20	10,000	102	10,200
County of Clinton, N. Y.....	4½	A. & O.	1927	25,799 41	26,000	100	26,000
U. S. of America, 2nd Liberty Loan.....	5	J. & N.	1926/33	26,522 49	25,000	104	26,000
City of Albany, N. Y.....	4½	M. & N.	1942	100,000 00	100,000	93	93,000
City of Albany, N. Y.....	4½	M. & N.	1922/3	50,238 00	50,000	100	50,000

[illegible]

PART III
REPORT OF BUREAU OF MEDIATION AND
ARBITRATION

[161]

REPORT OF THIRD DEPUTY COMMISSIONER

IN CHARGE OF BUREAU OF MEDIATION AND ARBITRATION

To the Industrial Commission:

I have the honor to submit the following report of the activities of this Bureau for the year ended June 30, 1918.

The number of industrial disputes recorded during this year is 265 as compared with 234 recorded during the year ending June 30, 1917. The disputes recorded during the period covered by this report involved directly 83,650 persons and indirectly, by throwing out of work, 6,355 persons. While the number of disputes recorded in this period was larger by thirty-one than those occurring in the year ending June 30, 1917, the economic result was not as serious owing to the fact that the strikes occurring in the last-named year involved directly 144,951 persons and indirectly 18,376. The aggregate days of working time lost in the period covered by this report, on account of strikes and lockouts, was 1,519,884. In the year ending June 30, 1917, this loss of time amounted to the very appreciably larger total of 2,600,335 days. As a matter of interesting comparison with these figures, it may be proper to mention that in the nine months ending June 30, 1916, 328 strikes were reported to the Bureau, involving directly 222,325 persons and indirectly 31,629 persons and resulting in the loss of 9,581,163 days' time.

The serious loss resulting from industrial disputes to the workers and employers and finally to the communities in which they occur is indicated clearly by these figures and has impressed many people who are interested in the study of industrial and social matters and conditions. It is generally acknowledged that agencies for the prevention and settlement of labor disputes should be established by the State, and the methods by which such agencies may most efficiently operate have received much attention and have been discussed rather freely for some years past. No plan for the settlement or prevention of such disputes except by mediation and conciliation coupled with arbitration by agree-

ment of the parties, in some cases, through official agencies, has however been devised, which would not in some measure, at least, interfere with the freedom of the individual workers and employers to make their own agreements. In the nature of things the work of a Bureau of Mediation and Arbitration will, therefore, be largely of a conciliatory character.

The records of strikes and lockouts covering a period of many years in New York State teach a lesson which ought to be impressed upon the employer and employee, and which justifies the claims of many students of industrial relations, namely, that a spirit of co-operation would help much to do away with serious industrial disputes. In the year 1914 out of a total of 123 strikes and lockouts reported to this Bureau, forty-four were won or compromised, through friendly direct negotiations between the parties involved. In 1915 out of a total of 104, forty-two were so won or compromised. In 1916 out of a total of 328 strikes reported, 156 were so won or compromised. In 1917, out of a total of 234 reported, ninety-three were so adjusted, and in 1918, the period covered by this report, out of a total of 265 disputes reported to this Bureau, 107 were won or compromised through direct negotiations, no outside agency intervening. The lesson of these figures is that the employer and employee should, through co-operation and by joint consideration, adjust all problems which may arise out of their relations wherever possible. Where disputes unavoidably arise, which they cannot settle themselves, any intervening agency should approach the matter in an unprejudiced spirit of co-operation, and not of arbitrary interference. In the many instances in which this Bureau intervenes in labor disputes, it always advises and encourages the establishment of methods by which the parties may maintain by direct negotiations, friendly relations, after the immediate dispute is settled.

During the year covered by this report the Bureau intervened in eighty disputes and made fifty-six settlements. The Bureau received during this year twenty-four requests for intervention in different strikes and lockouts.

Of the strikes reported in this period, 183 arose out of a demand for an increase of wages and only one arose from an attempt on the part of the employer to reduce wages. Demand for recognition

of the union was the cause of strikes in thirty-one cases, and in eight cases working conditions caused strikes. Longer hours of labor was the cause of no strike during this period. Twenty-eight strikes occurred on account of the employment or discharge of particular persons in plants.

Out of a total of 265 strikes reported to the Bureau during this period, 119 were successful, forty-nine were partly successful and ninety-seven were lost to the strikers. In the year covered by the last report of this Bureau, sixty-two were successful, seventy-five were partly successful and ninety-seven were lost out of the total of 234 reported. A comparison of these figures shows that a larger percentage of the strikes occurring in 1918 was successful than in 1917; a smaller percentage was partly successful and that the same number of strikes was lost in 1918 as in 1917. The percentage of strikes lost in 1918 was, however, smaller than in 1917. The success or partial success of the large majority of strikes occurring in 1918 was undoubtedly due in large measure to the shortage of and demand for labor, and to the recognition on the part of the employers of the fact that cost of living constantly increasing made necessary a general increase of wages.

The industries in which the greatest number of strikes occurred during this period were as follows: metals, machines and conveyances, fifty-six; transportation, fifty-seven; building industry, twenty-nine; textiles, twenty-eight; food, liquors and tobacco, twenty-seven; trade, sixteen; clothing and millinery, nine; hotels and restaurants, eight, and leather and rubber goods, eight.

The industries in which the greatest loss of time occurred was the metals, machines and conveyances group in which fifty-six strikes resulted in the loss of 890,636 days of working time and involved 29,870 workers. A strike of 2,300 machinists and mill hands occurred at Hastings on July 3, 1917, and was settled through the intervention of the Bureau, after a loss of 14,506 days' time on July 15th. Three serious strikes occurred in the ship building industry in New York during this year, involving 10,250 men altogether and resulting in a loss of 720,950 days' time. A strike of 450 shipworkers at Buffalo occurred March 21, 1918, and was settled after lasting three and one-half days, through a conference arranged by this Bureau.

In the transportation group, a total of fifty-seven strikes involved 14,716 workers and caused a loss of 63,397 working days' time. On May 11, 1918, a strike of motormen and conductors on the Rochester trolley lines completely tied up street car traffic in the city of Rochester. Intervention by the Bureau and conferences arranged by it led to a settlement of the strike in two days' time. The settlement resulted in a wage increase for the employees involved. A strike of 1,000 chauffeurs in New York City lasted four days and was settled at a conference arranged by the Bureau. A strike of 960 milk delivery drivers in New York, which occurred on October 19, 1918, lasted three days and was settled at a conference arranged by this Bureau's agents. The serious strikes in the transportation lines, which often lead to a great inconvenience to the public, were practically all settled by the Bureau of Mediation and Arbitration during this period.

In the leather and rubber goods trades, a strike of 2,000 shoe cutters occurred at Long Island City on August 29, 1917. Intervention by the Bureau and joint conferences arranged by it, resulted in a settlement of this strike, by compromise of the demands which were for shorter hours and a wage increase after it had continued for thirty-five days and resulted in a loss of 100,000 working days' time. Eight strikes in these industries involved directly and indirectly 4,167 workers and resulted in a loss of 159,433 days of working time.

In the food, liquor and tobacco group of industries, twenty-seven strikes occurred which involved 10,091 workers and caused a loss of 147,088 days' time. The most serious of these strikes was a general strike of bakers, which occurred May 1, 1918, in New York City, involving 3,060 bakers in 150 shops. This strike was settled by the joint intervention of the Bureau, the Food Board and a Federal adjuster, after a loss of 58,140 days' time. A strike of 300 butchers, which occurred in Brooklyn on November 23, 1917, was settled by the Bureau, after a loss of 4,500 days' time. A strike of 250 chicken handlers, which occurred in New York City July 5, 1917, was settled by the Bureau after it had continued four days.

Three strikes occurred in the printing and paper goods industries, involving 2,757 employees and resulting in a loss of 14,873

days' time. A strike involving 2,700 pressmen working in 200 shops in New York City, occurred October 29, 1917, and was settled by the Bureau after continuing five days.

In the building industry, twenty-nine strikes occurred during this period which involved 10,068 men and resulted in the loss of 59,751 days' time. Six thousand subway workers struck in New York City on June 11, 1918, and remained out five days. This strike was for an increase of wages and was won by the strikers, an adjustment being made by the Public Service Commission. The strikes in this industry were generally of short duration and were generally won by the strikers.

In the clothing and millinery group only nine strikes occurred and the loss of time resulting from these strikes was very much smaller than has occurred on account of labor disputes in these industries during any recent year. The loss of time in these strikes, which involved 9,180 people, was 62,652 days. The loss of time from strikes in these industries in 1914 was 152,812 days; in 1915, 314,328 days; in 1916, 7,124,366 days, and in 1917, 578,644 days.

In the textile industries twenty-eight strikes occurred, involving 2,820 persons and resulting in the loss of 31,743 days of working time. These strikes were mostly for increase of wages, and were generally successful, after short duration. Three of the most serious of these strikes were settled through the agency of the Bureau.

A strike of window cleaners in New York City occurred October 15, 1917, and continued for thirty-two days. This strike was for union recognition and wage increase. An adjustment brought about by the Bureau resulted in the strikers winning their demands.

In public employment, one strike occurred at Buffalo on October 18, 1918, involving repairmen in the Department of Public Works; thirty-seven men were involved. Intervention by the Bureau, upon request, assisted to bring about a settlement of this strike.

In the other lines of industry, a few strikes occurred, not of great importance and generally involving few people. The time lost in these strikes and the number of strikes occurring in these

industries not heretofore given in this report appear in the tables which are made a part hereof. These tables will indicate the strikes in which the Bureau intervened during the year covered by the report and also show the result of these interventions.

F. B. THORN,
Third Deputy Commissioner.

TRADES AFFECTED

	NUMBER OF DISPUTES		NUMBER OF WORKING DAYS LOST	
	1917	1918	1917	1918
1. Stone, clay, glass products.....	10	5	17,209	7,608
2. Metals, machines, conveyances.....	62	56	423,781	890,636
3. Wood manufactures	5	1	21,599	7,150
4. Leather and rubber goods.....	13	8	145,026	159,433
5. Chemical, oils, paints, etc.....	9	4	5,903	1,778
6. Paper and pulp.....	7	7	25,997	7,063
7. Printing and paper goods.....	4	3	41,860	14,873
8. Textiles	22	28	144,464	31,743
9. Clothing, millinery, etc.....	14	9	578,664	62,652
10. Food, liquors, tobacco.....	16	27	88,206	147,068
11. Water, light, power.....	.....	6	.....	13,878
12. Building industry	33	29	260,281	59,751
13. Transportation	27	57	785,697	63,397
14. Trade	6	16	44,084	48,649
15. Hotels, restaurants, etc.....	2	8	9,180	3,941
16. Professions	1	.....	1,500	.....
17. Public employment	3	1	7,010	444

PRINCIPAL CAUSE OR OBJECT OF DISPUTES

	NUMBER OF DISPUTES		NUMBER OF WORKING DAYS LOST	
	1917	1918	1917	1918
Increase in wages.....	163	183	1,474,530	60,838
Reduction in wages.....	1	1	336	96
Shorter hours	16	11	39,608	110,589
Longer hours	2	.....	2,195	.....
Trade unionism	22	31	877,133	56,829
Particular persons	22	28	202,734	276,844
Working arrangements	8	8	3,799	14,213
Payment of wages.....	.....	3	.....	470
Sympathetic .....	.....	.....	.....	.....
Miscellaneous .....	.....	.....	.....	.....

RESULTS OF DISPUTES

	NUMBER OF DISPUTES	
	1917	1918
Strikes successful	62	119
Strikes partly successful	75	49
Strikes lost	97	97

METHOD OF SETTLEMENT OF STRIKES WON OR COMPROMISED

	NUMBER OF DISPUTES	
	1917	1918
Direct negotiations between parties.....	93	107
Mediation by State Bureau.....	34	33
Mediation by other agencies.....	9	21
Arbitration	1	7

COMPARISON OF INTERVENTIONS 1917-1918

	1917	1918
Number of disputes in which intervention occurred.....	69	80
Number of requests received for intervention.....	25	24
Number of disputes in which intervention was successful.....	39	56
Number of disputes in which intervention was unsuccessful.....	30	24
Number of interventions before strikes.....	5	13
Number of disputes in which conferences were arranged.....	45	51
Number of disputes settled by mediation with parties separately....	3	1
Number of disputes settled by arbitration.....	2	.....
Number of public investigations conducted.....	.....	.....

COMPARISON OF DISPUTES 1915-1918

	1915	1916	1917	1918
Number of strikes and lockouts.....	104	328	234	265
Employees involved directly.....	53,855	222,325	144,951	83,650
Employees involved indirectly.....	2,407	31,629	18,376	6,355
Aggregate days of working time lost....	868,838	9,581,163	2,600,335	1,519,884

TABULAR SUMMARY OF INTERVENTIONS

LOCALITY	Trade involved	Date of strike (actual or threatened)	Number of employees affected	Date of intervention
Albany	Drivers, freight handlers and laborers.....	Sept. 1, 1917	125	Sept. 1, 1917
Albany	Photo engravers	Threatened	20	Oct. 14, 1917
Albany	Conductors and motormen	June 2, 1918	1,478	June 3, 1918
Albany	Bricklayers	Threatened	100	June 28, 1918
Buffalo	Boilermakers	July 1, 1917	175	July 19-20-21, 1917
Buffalo	Repairmen	Oct. 18, 1917	37	Oct. 19-20, 1917
Buffalo	Electricians	Oct. 24, 1917	138	Oct. 31, 1917
Buffalo	Shipworkers	Mar. 21, 1918	700	Mar. 23, 1918
Buffalo	Machinists	Threatened	130	April 30, 1918
Buffalo	Machinists	Threatened	400	April 30, 1918
Buffalo	Machinists	Threatened	140	May 2, 1918
Buffalo	Machinists	Threatened	125	May 3, 1918
Cohoes	Textile workers.....	Oct. 10, 1917	284	Oct. 17, 1917
Cohoes	Shirtmaking	Threatened	100	Jan. 3, 1918
Hastings	Electric workers.....	July 3, 1917	2,300	July 6, 1917
Hoosick Falls	Molders	July 3, 1917	111	July 18, 1917
Hoosick Falls	Pressmen	July 24, 1917	32	Aug. 1, 1917
Hoosick Falls	Rubber workers	July 30, 1917	30	Aug. 3, 1917
Hoosick Falls	Textile workers	Aug. 21, 1917	200	Aug. 24, 1917
Hoosick Falls	Molders and Coremakers..	Oct. 17, 1917	75	Oct. 26, 1917
Jamestown	Bakers	May 1, 1917	14	Jan. 8, 1918
Hornell	Silk hosiery workers....	Dec. 24, 1917	220	Jan. 8, 1918
Lockport	Steel workers	Mar. 4, 1918	50	Mar. 10, 1918
New York.....	Poultry workers	July 5, 1917	250	July 6, 1917
New York.....	Tailoring	Aug. 9, 1917	150	Aug. 20, 1917
New York.....	Gaspipe fitters	Aug. 13, 1917	327	Aug. 16, 1917
New York.....	Shoe workers	Aug. 29, 1917	2,000	Sept. 1, 1917
New York.....	Optical workers	Sept. 16, 1917	125	Sept. 18, 1917
New York.....	Longshoremen	Sept. 17, 1917	625	Sept. 19, 1917
New York.....	Longshoremen	Oct. 8, 1917	300	Oct. 9, 1917
New York.....	Longshoremen	Oct. 8, 1917	300	Oct. 9, 1917
New York.....	Milk delivery drivers....	Oct. 15, 1917	1,000	Oct. 19, 1917
New York.....	Window cleaners.....	Oct. 15, 1917	1,200	Nov. 15-16, 1917
New York.....	Pressmen	Oct. 29, 1917	2,700	Oct. 29, 1917
New York.....	Butchers—meat cutters ..	Nov. 6, 1917	500	Nov. 7, 1917
New York.....	Cooks—waitresses	Dec. 7, 1917	590	Dec. 13-22, 1917
New York.....	Butchers	Dec. 6, 1917	155	Dec. 12, 1917
New York.....	Bottle handlers	Dec. 17, 1917	60	Dec. 18, 1917
New York.....	Candlestick makers	Dec. 24, 1917	50	Jan. 2, 1918

FROM JULY 1, 1917, TO JUNE 30, 1918

Result of intervention	Result of strike
Conference arranged; no result; intervention requested.....	Strike lost.
Conference arranged; settlement resulted; intervention requested.....	Strike won.
Requested both parties to confer; no result.....	Strike won.
Conference arranged; settlement reached; intervention requested.....	Strike won.
Conference arranged; settlement made.....	Strike won; compromise.
Conference arranged; settlement resulted; intervention requested.....	Strike won.
Conference arranged; settlement resulted; intervention requested.....	Strike won.
Conference arranged; settlement resulted.....	Strike lost.
Company granted wage increase requested; intervention requested.....	Strike lost.
Conference arranged; settlement resulted; intervention requested.....	Demands granted; strike averted.
Satisfactory agreement reached; intervention requested.....	Strike averted.
Company to take up increase request with machinists; intervention requested.....	Strike won.
Conference arranged; settlement resulted; intervention requested; wages increased; agreement signed.....	Strike won.
Conference arranged with superintendent and settlement resulted; intervention requested.....	Compromised.
Conference arranged; settlement resulted; intervention requested.....	Compromised.
Conference arranged; settlement reached.....	Strike won.
Conference arranged; settlement resulted.....	Strike won.
Conference arranged; men returned to work.....	Strike lost.
Conference arranged; no result.....	Strike lost.
Conference refused; following day met committee from union and settlement was made.....	Strike lost.
Conference requested; no result; intervention requested.....	Strike lost.
Conference refused; proposition submitted by employers to mediators, who submitted same to strikers; proposition accepted and men returned to work.....	Strike lost.
Conference arranged; men refused to go back to work; intervention requested.....	Strike lost.
Conference arranged; settlement resulted.....	Compromised.
Conference refused.....	Strike lost.
Conference refused.....	Strike lost.
Conference arranged; settlement resulted.....	Compromised.
Employers refused to consider demands of the strikers.....	Strike lost.
Bureau's agent was successful in having strikers accept proposition.....	Compromised.
Conference arranged; settlement resulted; intervention requested.....	Strike won.
Investigation made; intervention unnecessary; intervention requested.....	Strike won.
Conference arranged; settlement resulted.....	Strike won.
Conference arranged; settlement resulted.....	Compromised.
Conference arranged; settlement resulted.....	Strike won.
Conference refused.....	Compromised.
Conference refused.....	Strike won.
Conference refused; conference arranged later; agreed to submit the question in dispute to arbitration.....	Compromised.
Conference refused; conference arranged later, resulting in settlement of the question at issue; agreement signed with the union.....	Strike won.
Conference arranged; agreement reached whereby wages were increased 5%; union recognized, but hours of labor remained the same.....	Partly successful.

TABULAR SUMMARY OF INTERVENTIONS

LOCALITY	Trade involved	Date of strike (actual or threatened)	Number of employees affected	Date of intervention
New York.....	Longshoremen	Jan. 26, 1918	900	Jan. 29, 1918
New York.....	Messengers	Feb. 1, 1918	300	Feb. 2-8, 1918
New York.....	Basket makers	Feb. 26, 1918	120	Mar. 4, 1918
New York.....	Waiters	Mar. 12, 1918	200	Mar. 13, 1918
New York.....	Feather-bow makers	Mar. 13, 1918	300	Mar. 28, 1918
New York.....	Hospital supplies	Mar. 12, 1918	49	April 4-27, 1918
New York.....	Drivers	May 4, 1918	272	May 16, 1918
New York.....	Cloth spongers and examiners.....	May 15, 1918	300	May 16, 1918
New York.....	Bakers	May 1, 1918	3,060	June 30, 1918
New York.....	Candy makers	June 15, 1918	40	June 17, 1918
New York—Brooklyn...	Shell workers	July 3, 1917	125	July 5, 1917
New York—Brooklyn...	Glove makers	July 26, 1917	260	Aug. 6, 1917
New York—Brooklyn...	Teamsters	Aug. 27, 1917	10	Aug. 31, 1917
New York—Brooklyn...	Chemical workers	Sept. 26, 1917	180	Sept. 29, 1917
New York—Brooklyn...	Drivers	Nov. 26, 1917	75	Nov. 28, 1917
New York—Brooklyn...	Ship builders	July 2, 1917	4,780	July 5, 1917
New York—Brooklyn...	Coal workers	Jan. 18, 1918	30	Jan. 19, 1918
New York—Brooklyn...	Teamsters	Feb. 25, 1918	80	Feb. 25, 1918
New York—Brooklyn...	Teamsters	Feb. 25, 1918	200	Feb. 25, 1918
New York—Brooklyn...	Ship builders	June 17, 1918	4,800	June 25, 1918
New York—Brooklyn...	Legging makers	April 8, 1918	102	April 12, 1918
New York—Manhattan...	Chauffeurs	April 15, 1918	1,800	April 16, 1918
New York—Richmond..	Molar molders	Sept. 6, 1917	727	Sept. 21, 1917
New York—Richmond..	Ship builders	Feb. 11, 1918	4,000	Feb. 14, 1918
New York—Queens....	Candy workers	Mar. 14, 1918	700	Mar. 18, 1918
New York—Queens....	Flashlight manufacturing.	April 8, 1918	140	April 13, 1918
Niagara Falls	Building trades	Threatened	...	Dec. 22, 1917
Niagara Falls	Molders	Jan. 25, 1918	28	Mar. 1, 1918
Rochester	Conductors and motormen	May 11, 1918	1,800	May 11, 1918
Rochester	Machinists	Threatened	250	June 14, 1918
Schenectady	Coremakers, molders and helpers.....	Jan. 7, 1918	1,000	Jan. 8, 1918
Schenectady	Machinists	Threatened	2,500	Jan. 24, 1918
Schenectady	Drivers	May 1, 1918	205	May 2, 1918
Schenectady	Tent makers	Threatened	250	Mar. 7, 1918
Syracuse	Conductors and motormen	July 4, 1917	176	July 6, 1917
Troy	Laborers	Oct. 1, 1917	80	Oct. 3, 1917
Troy	Ponchos and army tent workers.....	Jan. 11, 1918	800	Jan. 14, 1918
Troy	Laborers	April 1, 1918	194	April 1, 1918
Troy	Ironworkers	Threatened	150	April 15—May 16, 1918
Waterford	Foundry workers	May 11, 1918	97	May 13, 1918
Watervliet	Foundry laborers	Oct. 1, 1917	49	Sept. 29, 1917

FROM JULY 1, 1917, TO JUNE 30, 1918 — (Concluded)

Result of intervention	Result of strike
Conference arranged; settlement resulted.....	Compromised; men agreed to leave their case to the Federal Shipping Board for adjustment. Strike lost.
Conference arranged; settlement resulted.....	Compromised. Strike lost.
Conference refused; later conference of union officials and employers was held; increase of .15% given and union recognized.....	Compromised. Strike lost.
Conference arranged; no result.....	Compromised.
Conference refused; strikers accepted offer of employers	Strike won.
Conference arranged; matter adjusted and agreement signed	Compromised.
Conference arranged; offer submitted by company to men was accepted.....	Compromised.
Endeavored to arrange conference; matter placed in hands of Federal authorities	Compromised.
Conference arranged; settlement resulted.....	Compromised.
Conference arranged; settlement resulted.....	Strike lost.
Conference refused; no result.....	Compromised.
Conference arranged; settlement resulted.....	Compromised.
Conference arranged; no result.....	Strike lost.
Conference arranged; offer of company accepted by the strikers.....	Strike lost.
Endeavored to arrange conference; unsuccessful; intervention requested	Strike lost.
Endeavored to arrange conference; unsuccessful.	Strike lost.
Conference arranged; men ordered back to work by union officials.....	Question in dispute to be taken up later on.
Conference arranged; settlement resulted.....	Partly successful.
Conference arranged; no result.....	Strike lost.
Conference refused; satisfactory agreement made	Strike lost.
Conference arranged; satisfactory agreement made	Strike won.
Conference arranged; offer submitted by company accepted by strikers.....	Compromised.
Conference arranged; strikers agreed to accept terms of employers.....	Strike lost.
Endeavored to arrange a conference; matter was in hands of Federal officials; strikers returned to work	Compromised; matter left open for adjustment.
Conference refused	Strike lost.
Conference arranged; no result; intervention requested	Strike lost.
Investigation made; satisfactory explanation given to strikers.	Strike lost.
Conference arranged; no result; intervention requested	Compromised.
Conference arranged; offer of company accepted.	Compromised.
Satisfactory adjustment made; intervention requested.	Compromised.
Investigation made; intervention unnecessary...	Compromised.
Conference arranged; satisfactory adjustment made; intervention requested.	Compromised.
Conference arranged; settlement resulted.....	Compromised.
Satisfactory arrangement made; strike averted; intervention requested.	Strike won.
Conference arranged; offer submitted by company accepted	Compromised.
Conference arranged; settlement resulted.....	Strike won.
Conference arranged; proposition accepted; intervention requested	Compromised.
Conference arranged; settlement reached; intervention requested	Strike won.
Conference arranged; compromised; strike averted.	Strike won.
Conference arranged; settlement resulted.....	Strike won.
Conference arranged; settlement resulted; intervention requested	Strike won.

PART IV
REPORT OF BUREAU OF STATISTICS AND
INFORMATION

[175]

REPORT OF CHIEF STATISTICIAN

IN CHARGE OF BUREAU OF STATISTICS AND INFORMATION

To the Industrial Commission:

Complying with Section 46 of the Labor Law, which requires an annual report of the "operation" of each bureau in the Department, it is believed that such a report, in the case of a bureau like that of Statistics and Information, the principal results of whose work are made public currently through other publications of the Department, will be most useful if devoted to a consideration of the status, possibilities or needs of particular lines of work to which at the time of making the report attention most needs to be called, having in mind especially to indicate developments which are necessary to make the work of the Bureau of greatest service to the State. With this purpose in mind, it is desired to call attention in this report to the following matters, each of which is discussed at length below:

- (1) *Power to require statistical information* under the 1918 amendment of the law concerning this Bureau;
- (2) *Needs of the Bureau as to composition of working force;*
- (3) *Development of the Labor Market Bulletin;*
- (4) *Difficulties of the work in accident statistics;*
- (5) *Growth in work on annotated laws and court decisions;*
- (6) *Beginning of work of safety information service.*

POWER TO REQUIRE STATISTICAL INFORMATION

In the report of the Bureau for 1917 it was recommended that its organic law in Article 5 of the Labor Law should be re-written "to make it better adapted to present exigencies of the work which naturally falls to such a bureau at the present time and under the present form of organization of the Department, and to make it more consistent with the present law regulating the Department." The recommendation was accompanied by a proposed re-draft of the law to accomplish the purpose, and this was enacted without change by the Legislature of 1918 by Chapter 456.

The only serious criticism made of this amendment when proposed was to the effect that it would reduce the powers of the Department to require the furnishing of information. When this objection was raised it was pointed out that it was absolutely without foundation because it overlooked entirely the powers possessed by the Industrial Commission under Sections 43 and 51 of the Labor Law, wherein much ampler power for such a purpose is conferred than was ever available under old Section 64, which was the only section of the old Bureau law containing any such power. The raising of that objection, however, makes it of interest to note that the law as it stands now has since stood the test of practical application in connection with a special investigation recently made. As ordinarily happens in connection with requests for statistical reports of a new or unfamiliar kind, there were a few instances in which questions were raised as to the Department's power to require the information called for, but citation of Sections 43 and 51 were found to answer such questions fully. Because of the raising of the question last year when the law was amended, occasion was taken in the one case where question was raised as to power even under Section 43 and 51 to secure an opinion of Department counsel on the point. That opinion affirmed that under those sections the Department clearly had power to require an employer to give a representative of this Bureau access to his records for the purpose of transcribing therefrom data called for in the investigation. In other words, the opinion of Department counsel entirely sustains the point that power to require information was not curtailed by last year's amendment.

COMPOSITION OF WORKING FORCE

Following is a comparison of the personnel of the Bureau, as provided for in the annual appropriation bills, for the last three years:

COMPOSITION OF FORCE PROVIDED FOR BUREAU

	1915-16		1916-17		1917-18	
	Number	Total salaries	Number	Total salaries	Number	Total salaries
Chief statistician	1	\$4,000	1	\$4,000	1	\$4,000
Chiefs of division	6	16,000	6	16,000	5	13,500
Experts and statisticians	8	13,400	6	9,800	6	9,620
Special agents	6	10,400	6	10,400	6	10,700
Stenographers	5	5,220	5	5,220	5	5,580
Clerks	8	9,000	8	9,000	17	13,560
Total	34	\$58,020	32	\$54,420	40	\$56,960

It will be seen that in the last two years, while there has been an increase of six in personnel, there was a decrease of nearly 2 per cent in total salaries appropriated. But there is considerable significance in the contrast between the first three and the last three classes of positions above indicated as to changes in resources. In the first three the number of employees decreased from 15 to 12 and total salaries from \$33,400 to \$27,120, or about 19 per cent, so that increases were confined to the last three, where there were increases from 19 to 28 in number of employees and from \$24,620 to \$29,840, or 21 per cent. Be it further noted that these increases were practically all in the class of clerks, and were, as a matter of fact, due almost entirely to additional positions of the lowest grade of that class in the Bureau (\$600 per year).

The significance of the foregoing can be seen only when it is pointed out that it means that the only expansion in resources, and that a modest one, has occurred where it could produce only an increase in amount of routine clerical work, while on the other hand there has been a serious reduction in resources for work of planning and supervising, or for more responsible individual work.

Over against such a change in resources there has been a very marked change in the field of work which ought to be covered by the Bureau, of two kinds. On the one hand, has been a great enlargement since 1915 by the addition of the great and important field of workmen's compensation experience consequent upon the consolidation of the Workmen's Compensation Commission with the Department of Labor in that year, to which attention has been called in previous reports of this Bureau (1915 and 1917). On the other hand, there has been in recent years a notable change in the kind of work which such a Bureau must do if it is to meet present-day demands, and this is in two somewhat opposite directions, namely, on the one side, toward more thorough and scientific methods in collection and preparation of materials, and, on the other, more effective analysis and interpretation so as to make more forceful presentation of results as to their bearings on practical problems.

I think the foregoing is sufficient to bring out the point I wish to make, namely, that in the last three years resources have not kept pace with the demands upon this Bureau either as to amount

or kind of work it ought to do and is constantly being called upon to do, and, be it added, which such a statistical bureau alone can do.

THE LABOR MARKET BULLETIN

This Bulletin is prepared by the Division of General Labor Statistics. Attention was called in last year's report to its value as proven by the demand for it and comments on it, and another year has brought increased evidence of the same kind and to the same effect. Last year's report pointed out that the scope of the Bulletin ought by all means to be enlarged if it is to meet even partially the demands for information constantly coming to the Bureau. It was noted that such expansion waited only additional resources to be carried out. As the force in the Division remained the same during 1917-18 as during 1916-17, such expansion has naturally had to be postponed for the most part. Nevertheless, something has been achieved in the way of growth during the year.

Last year's report pointed out that the expansion recommended should be along three lines: (1) To extend the statistics of amount of employment to cover other industries in addition to manufacturing which was already being covered; (2) to make available information as to course of wages, not then included at all; and (3) to include statistics of prices so as to indicate the course of *real*, as distinguished from *money*, wages. Concerning the first of these, it seems quite clear that, after manufacturing, the next most desirable field of industry to cover would be the building industry. During the year 1917-18 some preliminary work on extension to this field was done, including preparation of representative lists of firms up-state, and in the spring of 1918 a beginning was made of collecting the reports, partly as an experiment to determine what was desirable and feasible, but up to the close of the fiscal year it had not been possible to develop such work to the point of adequate results for publication.

On the second item, namely, information as to the course of wages, it finally became possible during the year to undertake the computation work necessary to publish monthly figures for average weekly earnings in factories, the basic data for which had been contained in the reports previously collected so that no additional figures for this purpose had to be called for from employers.

Publication of such average weekly earnings was begun in February, 1918 (including earlier comparative figures), and has been a regular part of the Labor Market Bulletin ever since.

It was felt that with the publication of weekly earnings, which should reveal the trend of money wages, it was highly desirable, especially in view of the known rapid change in prices that was in progress, to publish also data as to the course of the cost of living, because the course of money wages, without reference to the course of the cost of living, might easily create in the minds of the unthinking a very false impression as to the real situation of wage-earners. Finding itself without resources to furnish what should be furnished, namely, figures as to cost of living in this State corresponding to the State figures as to wages, the Bureau, proceeding on the plan of doing the best it could for the time being, began publishing coincidentally with average wage figures for factories in this State, figures for the course of retail prices of food in the United States as furnished by the U. S. Bureau of Labor Statistics, for whose courtesy in supplying advance figures each month this Bureau is under much obligation.

The inclusion of wage and price figures necessitated an enlargement of the Labor Market Bulletin from four to eight pages. That the addition of such information met a real demand, however, has been shown by the wide interest expressed in it and the number of requests for it both from within and from without the State. The success of this enlargement, however, does not decrease the need of further development of this publication. On the contrary, its success and usefulness with its limited scope have served but to emphasize the need of further development as evidenced by inquiries as to the possibility of securing supplemental information along the same lines constantly being received. Considered in the light of what is needed and being constantly called for, the Labor Market Bulletin in its present scope represents only a good beginning toward what it should be, and notwithstanding the development in the right direction achieved in the past year, as above noted, at the close of the year the Bureau was still in the position of having to explain that further information widely demanded could not be furnished owing to lack of resources for expansion of the Labor Market Bulletin.

ACCIDENT STATISTICS

In last year's report an unsatisfactory situation with respect to the very important work on accident statistics was reported, it being pointed out that such was the inevitable result of a very inadequate force for the work. Some encouragement was then drawn from the fact that for the next fiscal year additional clerical positions in this Bureau had been provided for, these being, however, as above pointed out, but a very modest addition to the force as all were clerkships of low grade.

Now, after another year, a continued unsatisfactory situation must be recorded. One reason for this is the same as was pointed out last year, namely, a force still largely inadequate to bring up, and keep up this work to what it is everywhere agreed by those who can appreciate its value that it should be in every state. But another factor more serious than that, which has come fully to light during the past year, is also to be noted. This is a condition of incompleteness in the records of compensated accidents to such an extent that no reliable figures for some of the most important statistics of accidents can be compiled from the records as they stand. This is due to lack of information in the records (specifically, lack of compensation payment receipts or final reports of accidents) as turned over to this Bureau for tabulation. concerning extent of disability and amount of compensation, chiefly, though not entirely, in the so-called direct settlement cases made under the amendment of law providing therefor which took effect April 1, 1915. When this obstacle to complete statistics was first encountered this Bureau tried the expedient of collecting the necessary supplemental records itself for cases in the first three months after the direct settlement provision took effect. That experiment, while it did succeed in completing the records for the period referred to, served nevertheless to demonstrate that such a late following up of cases (undertaken long after the Bureau of Compensation had completed its action on them) was an exceedingly unsatisfactory method from the point of view of effectiveness and economy as well as beyond the existing resources of this Bureau as a permanent program. It became clear that such work can only be done properly when carried on currently and coincidentally with the handling and disposition of compensation cases. Logic-

ally under the law it would fall to the Bureau of Compensation to do that work in connection with the adjudication of compensation, and thus far the statistical work has been carried on with the understanding that this Bureau was dependent upon the Compensation Bureau for complete records. If such work were to be done regularly by this Bureau, there would have to be both necessary force provided and necessary rearrangement of work made so that this Bureau could handle the completion of statistical records concurrently with the handling of cases by the Compensation Bureau. Whichever Bureau should do this work in the future, however, what is most to be emphasized just now is that a situation has already developed on past experience so serious as to threaten a permanent loss of some statistical information concerning experience under the New York compensation law which is among the most important of any, not only for its immediate significance but especially for its usefulness as a basis of comparison in future years.

The foregoing records what most demands attention in relation to the work in accident statistics. It is not, of course, an agreeable task to have to emphasize an unsatisfactory situation, but I cannot but feel it my duty to set forth the facts as a means of possibly securing such an improvement as will eventually furnish to those concerned with the problems of accident prevention and compensation in this State the statistical information which they are constantly seeking and ought to have.

Lest a false impression should be created by the foregoing as to the work done during the year by the Division of Industrial Accidents, it is to be reported that every effort was made during the year to push forward the work for which the records were available (the incompleteness of records above referred to still leaves very important work in accident statistics, particularly that of most importance for prevention problems, within the possibility of accomplishment) and with very substantial progress as a result, progress sufficient to enable the Bureau to make available to Department officials much valuable information in manuscript form, although not to the point of general publication of results.

ANNOTATED LAWS AND COURT DECISIONS

An important service which has been a permanent part of the work of this Bureau for many years has been the publication of annotated editions of laws administered by the Department or relating to labor, and of texts and summaries of court decisions relating to the same. This work is done by the Division of Special Investigations. Since 1915 there has been a heavy increase in this line of work following the consolidation of the former Workmen's Compensation Commission with this Department, thus adding such work in connection with the Compensation Law to what was being covered before. This was indeed a large addition because of the development (inevitable under the circumstances) of many questions of interpretation under a new organic law which virtually established many new principles and rules concerning rights and duties of employers, employees and insurance carriers. In fact, the work on court decisions and rulings under the Compensation Law has become much the largest part of this line of work and because of its great practical usefulness in connection with such a new law and the wide demand for such information has been given chief attention in this line of work. Particularly gratifying has been the reception accorded everywhere to special bulletins issued, one last year (No. 81), and another (No. 87) this year, of approximately 400 pages each, analyzing and summarizing the Compensation Law decisions.

The success of this work is here noted in part as an evidence of the need of adequate resources for it so that it may not only be continued as in the past but properly developed, especially in the direction of earlier and so more timely service in which direction there is much room for improvement of this service (for which development there is large demand). Such improvement awaits only (but must await) an addition to the force of the Division of Special Investigations to bring it within reach.

SAFETY INFORMATION SERVICE

In the report for last year there was pointed out that there is a fine opportunity for the development of a service in the nature of a clearing house of information concerning safety work in this State, and that an effort was being made to develop work of that kind in the Division of Special Investigations. It has to be recorded here that no general development of such work could be undertaken during the past year, but one piece of work in that field was undertaken, namely, the formulation of a standard plan for shop safety organization as an aid or guide to industrial plants undertaking to establish such an organization. This was done by the method of collecting from plants where such organizations had been undertaken information concerning their experience, securing similar information from literature upon the subject, formulating an outline of a standard plan on the basis of such information and submitting this to persons of all classes interested for criticism and suggestions, the plan then to be finally revised and published. At the close of the year 1917-18 this work had reached the stage of submission for criticism.

The principal purpose of noting now this particular piece of work which is not yet completed, is to point out two things which have come forcibly to view in connection with it, which fully confirm the view expressed last year of the need and opportunity there is for this kind of service. The first of these is the revelation of a very active demand for such information as shown by the fact that over and over again our request for information was met not only by entire readiness to assist the work by furnishing data but by a counter request for any information we had been able to secure elsewhere with which our informant could compare his own experience. In a number of cases we were urged to actively assist in the institution or improvement of safety organizations. To such appeals we responded so far as possible, of course, but the demand easily outran our capacity to supply all that was wanted. The other point above referred to was the very general and warm commendation of the general idea of formulating such a standard plan, as well as favorable and helpful criticism of what had so far been developed, which came spontaneously in response to our request for criticism and suggestion. Particularly notable was such

comment by the Industrial Council to which the plan was presented, the discussion on that occasion leading to the adoption of a resolution of approval by the Council.

The point here emphasized is that this single effort in the field pointed out last year demonstrated immediately the wide-open opportunity there is for most practical and useful work therein, and that the doing of it awaits only provision of the necessary force with which to do it on an adequate scale.

L. W. HATCH,
Chief Statistician.

PART V
REPORT OF BUREAU OF EMPLOYMENT

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REPORT OF SUPERVISING COMMISSIONER

IN CHARGE OF BUREAU OF EMPLOYMENT

No detailed or comprehensive report can be made for the Bureau of Employment for the fiscal year ending July 30, 1918. A statement relative to the situation of the Bureau, however, at the close of the fiscal year is submitted herewith:

The New York State Bureau of Employment has been in existence since 1914, having been established pursuant to the provisions of Chapter 181, Laws of 1914. Offices were maintained by the Bureau in the principal industrial cities of the State as follows: New York city (Borough of Brooklyn), Albany, Syracuse, Rochester and Buffalo. The offices were maintained under the supervision of the Industrial Commission and under immediate direction of Mr. Charles B. Barnes, as Director.

Shortly after the entry of the United States into the World War it became evident that in the mobilization of the army and concentration of the industries of the country upon the production of supplies necessary to carry forward the war, steps would have to be taken to organize industry on a national basis to meet the war needs. This included a larger measure of control of labor and distribution of workers than had ever been undertaken before. There was created in the United States Department of Labor, under executive order of the President, a Bureau known as the United States Employment Service, through which the industrial man power of the nation was to be mobilized. This Service was organized with a National Director-General and with a Director for each State. It is a matter of pride to the Industrial Commission that in the hour of the nation's need the Federal Government found already organized in the State of New York an employment bureau properly equipped and maintained to help meet the national need. The facilities of the Bureau, however, were wholly inadequate and it was the desire of the Federal Government to take over the State Bureau, utilizing it as a nucleus about which to create the larger service required by the war need.

Acting upon the nomination of the State Defense Council of New York, the Secretary of Labor appointed me as the member of the Industrial Commission who had under his immediate

supervision the activities of the State Employment Bureau, to be Federal Director of Employment for New York State without salary. The Industrial Commission at the same time placed at the disposal of the Federal Government all of the offices, personnel and facilities of the State Employment Bureau and, under my direction and supervision, the State Employment Bureau and the United States Employment Service were merged into a single joint Federal-State Employment system. All records of the State Employment Bureau were turned over to the Federal Government, including all reports, lists of employers and opportunities for placing men and women and, thereafter, all reports from the State offices were made to me as the Federal Director of Employment and became part of the records of the United States Employment Service. At the same time the Director of the State Employment Bureau, Mr. Barnes, became Superintendent of the Federal Employment Service.

Thus, although the State of New York continued to pay the salaries of the employees of the State Employment Bureau and the rent and other expenses of the offices maintained by that Bureau, to all intents and purposes the State Bureau ceased to operate as a State activity and became for all practical purposes a part of the national machine for enrolling and bringing the manpower of the nation into industry. The records, files and reports of the Bureau are in the hands of the Federal authorities, and moreover the former Director of the State Bureau is an officer of the Federal Government, and for these reasons it is impossible to submit a detailed statement and report of the activities of the Bureau such as has been rendered in former years.

While it is a matter of regret to the Industrial Commission that this important Bureau of the Commission's work should to a certain extent have lost its identity with the Industrial Commission, none the less the Commission is greatly gratified that it had maintained machinery that was found worthy of becoming a useful part of the government's war machine and that it became a fit contribution on the part of New York to the war program.

An important step forward in the progress of employment work should be reported at this time, however, that is, the establishing in New York city of a clearing-house of employment offices. Prior to the creation of the United States Employment Service, we

became aware in New York city of the need for centralizing employment activities and removing so far as possible the waste entailed in duplication in work by different agencies in the field. Following a conference between myself and the members of the committee on employment of the Mayor's Committee of National Defense of New York city, representatives of that committee and of the Industrial Commission appeared before the State Defense Council and, as a result of an agreement there reached, there was established in New York city a clearing-house under the supervision of the Industrial Commission and supported in part by the State Defense Council, in part by the Mayor's Committee of National Defense and in part by the Mayor's Committee of Women on National Defense. Mr. Morris L. Ernst, who had been interested in and assisted in securing the passage of the original law for the Employment Bureau, was appointed manager of the clearing-house. Arrangements were made with over one hundred non-fee-charging employment agencies, including the State and City Employment Bureaus, Y. M. C. A., Y. W. C. A., the Salvation Army and other charitable and philanthropic agencies. This was, so far as we have been able to learn, the first clearing-house of employment agencies ever established in the United States. Under its plan of operation all offices affiliated with it reported to the clearing-house at the end of each day all unfilled opportunities for work and all unfilled applications on the part of workers for jobs. This information was then matched up in the clearing-house and any surplus of workers in one office would be referred the next morning to such offices as reported a surplus of unfilled jobs.

This clearing-house was in operation for only a few months when the United States Employment Service came into existence and the clearing-house personnel together with all its records was turned over to and became part of the United States Employment Service. The system of clearance worked out in New York city became the model for the clearance of all employment work in the Federal Service and has subsequently been adopted by the Federal Employment Service for all interstate clearances of labor and opportunities for work.

HENRY D. SAYER,
Supervising Commissioner, Bureau of Employment.

PART VI
REPORT OF BUREAU OF INDUSTRIES AND
IMMIGRATION

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REPORT OF CHIEF INVESTIGATOR

IN CHARGE OF BUREAU OF INDUSTRIES AND IMMIGRATION

To the Industrial Commission:

In justice to the now commanding subject of immigration and its indissoluble relationship to employment; to the army; to labor; to industrial accidents; and to alien dependents in charitable institutions, the report of the Bureau of Industries and Immigration for the fiscal year ended June 30, 1918, should be read in connection with the reports of previous years during which intensive surveys covering these subjects were conducted and remedial programs recommended.

Only once in the past seventy-four years has immigration reached the low figures of the year 1918, when in 1862, during the Civil War, the number of arrivals fell below 100,000. During the past year only 110,618 aliens entered the United States, of which 27,384 declared New York State to be their intended future residence, being more than twice the greatest number destined to any other State in the Union.

Since 1914 it has been impossible for the Federal immigration authorities to deport but a fraction of the aliens arriving at this port and thus many have been released under bond who otherwise would have been detained pending deportation.

The Federal authorities well know that the bonds under which such excludable aliens are admitted, being practically unenforceable in normal times, must be far less effective during the present period of stress. Since August, 1915, deportation has been suspended because of war conditions, as follows:

August 1, 1914, to June 30, 1915: Grand total, 1,328, of which 697 were excludable at time of entry, 388 because of insanity and 506 because of causes existing prior to landing.

July 1, 1915, to June 30, 1916: Grand total, 856; because of insanity, 394; excludable at time of entry, 329; causes prior to landing, 832.

July 1, 1916, to June 30, 1917: Grand total, 697; insanity, 346; excludable at time of entry, 201; causes prior to landing, 385.

July 1, 1917, to June 30, 1918: Grand total, 1,045; insanity, 595; excludable at time of entry, 215; causes prior to landing, 685.

We have therefore for the four years 1914 to 1918 the astounding total of 3,923 excludable aliens, who have been admitted and released. Of this number 1,723 were insane and 3,850 were excludable from other causes.

Considering the fact that one-third of the total immigration remains in New York State for permanent residence and that a much greater proportion of the unfit are released in this than in any other State these figures are startling, and the previous recommendations of this bureau that a legislative investigation of the entire subject be authorized is again reiterated.

The text of the present report, privileged to be written during the greatest historical epoch of all time, will confine itself to the five principal problems of immigration upon the solution of which will depend the future of our nation, our State and our race, namely: immigration, emigration, alien labor, alien illiteracy and alien dependents.

IMMIGRATION

The concurrence of opinion among immigration authorities during the past two years has been largely to the effect that comparatively few immigrants might be expected to arrive in the United States for some years after the war, owing to the supposition that practically all of the devastated nations of Europe would prohibit the departure of able-bodied laborers whose services would be required for their own rehabilitation. The dismemberment of the Central European Empires and the collapse of the Russian Government has, however, totally altered this outlook, because whereas it would have been entirely possible for autocratic monarchical governments to prohibit emigration from Europe and refuse passports to their subjects, it is a delicate question as to whether the "making-the-world-safe-for-democracy" program could consistently permit the imposition of any such flagrant restrictions upon that individual and national liberty which is one of its fundamental principles. It is, therefore, at the present writing quite as logical to expect a large influx from

Russia, Austria, Hungary and Southern Europe where the new autonomy program will entail prohibitive taxes and economic deprivation for years to come, as it is to surmise that these presumably liberated peoples will be forcibly restrained from attempting to escape such ills as attend upon repairing the ravages of a colossal war. Moreover, the majority of our foreign-born laborers who emigrate will return with relatives whom they find denuded of home and property; and here again our predictions of last year are upset, because had the Central European Empires remained intact, those able-bodied natives who re-migrated from this country would also have been denied passports from their respective governments to return here.

The two grave dangers in attracting emigrants from this country lie first, in the ability of European countries to offer cheap farm land to returning natives, and secondly improved housing facilities, high wages and short home journeys for their workmen.

The bulk of our agricultural immigrants have always desired to get back to the farm but their opportunities have in this respect been shamefully neglected both by National and State governments in this country. (See 1917 Report of Bureau, pp. 259-262.) Canada has yearly enticed our immigrant farmers by attractive farmland proposals, and it has already been announced that the preliminary work for land settlement in Germany is to be organized on the Australian land-settlement plan, which builds the farmer his home and provides him with furniture and livestock. The progress of this program on a large scale, it has been announced, will only be delayed by the shortage of coal and building materials in that country. These and other alluring inducements will no doubt be made by such European governments as may desire to repatriate their able-bodied natives now residing in the United States; and it is only through some concentrated and highly organized plan to pool the labor force of this nation that both our agricultural and manufacturing industries can be safeguarded against an exodus of our foreign-born workers that will paralyze our already crippled labor market for years to come.

A conservative estimate places the number of Austro-Hungarian, Russian, Polish, Slovak and other agricultural immigrants in New York city who wish to purchase and settle with their families on

farms at about 6,000. Each of these men have on hand an average of \$2,500 to \$3,000 cash as working capital.

There are on file in this office letters from 700 owners of available farms for sale or rent in New York State, and there are in New York State to-day 13,780,267 acres of uncultivated farm lands. With a stricken world crying for work and our poorer classes suffering from hunger and deprivation because of the inflated prices of food, it is a stern necessity to bring these immigrants with their working capital from the city to the farm; but as yet efforts of this Bureau to arouse interest in this matter have been unsuccessful and these trained agricultural immigrants will be allowed to re-emigrate to their native lands, taking with them millions of American dollars to be invested in farm lands in Europe. Could the idle acreage in New York State be placed under cultivation by immigrant farmers they would not only become a permanent economic asset to the State but from their ranks and from the ranks of their children our industries in the State could create a permanent source for a future labor supply. It has been estimated that several million Poles, Italians, Slovaks, Austro-Hungarians, and other nationalities have announced their intention of returning to Europe to seek missing relatives and reclaim their possessions, and although, as previously stated, many will undoubtedly return bringing with them their families and friends, nevertheless even a temporary disruption of our already depleted supply of unskilled labor will have the effect of slowing down our industries during the period of years when immigration will be re-established. This outlook is exceedingly disquieting. It is therefore important to calculate how a large proportion of these intending departures may be prevented. We are informed that many intending emigrants would remain here if they could safely send for their families and be assured of material comfort and educational advantages after their arrival.

There are about twenty million minor children of immigrant parentage now in the United States, and from this source we must provide our future permanent source of labor. Because of the advantages of our public school system foreign-born parents have heretofore sacrificed every comfort and put up with intolerable hardships to provide educational advantages for their offspring, but industries in the United States and in our own State

must be made to realize that in these children and through these homes they must provide the anchorage by which to offset impending reduction by re-migration of their supply of foreign-born labor. What employers in large industrial centers have never previously realized must be emphasized in no unmistakable terms at this time; that each large industry must colonize its employees; must build and sell them houses and furniture, provide them with healthy surroundings and medical attention for thus only can they hope to compete with the new European labor programs, hold them and their children in this country, and abolish that most costly and wasteful item of industrial overhead cost known as turnover. An American industrial town of the future must surround every great manufacturing plant, and the pursuit of each particular industry must become a hereditary entail for, unless this is done on the plan of the large European plants; unless decent and livable housing is provided and the workman's money invested in his home, he cannot be anchored, and the destructive drain of constant turnover will continue, with no Ellis Island and no other fountain of perpetual immigration from which to replenish it.

Hundreds of thousands of houses are to be built in Europe to be sold on long-term, small payments to attract our immigrants. Is it necessary to emphasize the importance of building hundreds of thousands of houses in this country to retain these workmen? In the Endicott-Johnson model industrial town near Binghamton, New York, this nearest approach to the solution of the turnover evil is no longer an experiment but an actual investment.

Our highways, mines, canneries, brickyards, canals, railroads, building and construction and all manufacturing industries now depend upon the alien laborer for their very existence, for in the labor market of to-day he has become a deciding factor — and for this reason the State Employment Service can no longer be dissociated from our after-the-war immigration program which is in effect identical with our after-the-war labor program.

One of the greatest evils in previous years and one which was so flagrant and inhuman as to command the attention of the Commissioner-General of Immigration in his 1914 report was the matter of interstate shipment of common laborers. In the 1914 report of this Bureau we quote 365 violations by labor agents engaged in such interstate traffic, which assumed greater propor-

tions during the war and still continues despite so-called "Federal regulation."

In addition to the general activities of the Bureau, surveys in previous years have included the subjects of dependent and deportable aliens; aliens in charitable institutions; admission of defective aliens under bond; alien illiteracy and its relation to industrial accidents and the alien versus agriculture; all of which are economic questions which must sooner or later command preventive and remedial legislation or produce bankruptcy for the State in the support of its alien dependents.

Following closely upon the "English for safety" campaign and its startling statistics of the number and cost of industrial accidents in New York State due to ignorance of the English language came the acknowledgment that many thousands of our drafted men were ignorant of our language.

Among the great surprises of the war was the vast importance of the alien in our army. With a total registration as published by the official report of Provost Marshal-General Crowder, we find:

Total alien registration	1,243,801
Allied aliens	772,744
Neutral aliens	148,274
Enemy aliens	40,663
Allied with enemy aliens.....	282,120

The largest induction of foreign-born men was from New York State, where 239,333 were registered between the ages of 21 and 31 years of age, or over 20 per cent of the total registration of the country.

The Secretary of the Interior informs us that about 700,000 men in our National Army could not read or write in any language and that a much larger proportion could not speak the English language. In the first draft 40,000 illiterates were mustered into the army and nearly twice that number were ignorant of our language.

A report of the Censor states that correspondence of our National Army was conducted between relatives and friends with men at the front in forty-three different languages. What a shocking spectacle for the advocates of the "melting pot!" What an impassable barrier to the attainment of "life, liberty and the pursuit of happiness."

Since the war has opened our eyes and has so clearly inventoried the assets and liabilities of our immigrant population why should not the State give them the instruction that will increase their earning capacity, and should necessity ever again arise, their fighting capacity, for orders in English are as necessary in the industrial army as a preventive of accident casualties as it is to a soldier in the army.

There exists no precedent in history for a National Army with approximately a million men unable to understand the language of the country in whose service they are fighting. The very interpretation of the word national is abrogated by such an unprecedented situation. It is utterly impossible to compute the economic loss of such injustice to humanity, to industry and to our social and civic life. The million and a quarter foreign-born men who have been enlisted in the service of our country and on whose shoulders much of the glory of our victory for freedom rests are clearly entitled to instruction in the language of the country under whose flag they fought and died. They are entitled to such instruction during the working day. They should be paid at the expense of the State during the period of instruction which should be without cost in time or money either to employer or employee. Moreover, such instruction should be compulsory, for what does it benefit a nation to gain either military or industrial supremacy by the sacrifice of human life, human health and with a purchase-price high in the scale of human misery?

Such instruction cannot be accomplished in the night school. The adult worker cannot maintain regular attendance in the night school. In one year (1917) in the city of New York out of 84,000 pupils enrolled in the evening schools 10,000 never came to a second session and out of 74,000 who returned only 27,000 remained in attendance.

The same experience has been repeated in every industrial center where "English to foreigners" has been attempted through the medium of the night school. (See Bureau's report, 1917.)

JEWISH SURVEY

Between October, 1917, and May, 1918, the Bureau made an extensive survey of Jewish social centers, settlements and workingmen's associations which were doing work among immigrants,

or were themselves composed of immigrants seeking to improve their condition. The word "immigrant" as here used is to be understood to include all persons who have not yet been assimilated whether they are recent arrivals or old residents in this country. It was planned to extend this survey to immigrant circles of all nationalities. Work was begun on the Jewish organizations because it was felt that research in this direction would show that the Bureau's sphere of influence could be extended into a field where its usefulness had theretofore been little tested, and for the further reason that the Bureau was able to avail itself of the services of a man whose experience in Jewish social work made it possible for him to carry on with effectiveness and ease an investigation that would otherwise have been difficult to approach.

SPECIFIC AIMS OF THE SURVEY

Specifically, the aim of the survey was threefold:

First: To ascertain what Jewish institutions could avail themselves of the services which the Bureau could under its statutory powers extend to them.

Second: To ascertain the best means of extending the services of the Bureau to such institutions.

Third: To make practical use of the information thus gained by actually cooperating with Jewish institutions in giving aid and advice to immigrants.

THE MEANS EMPLOYED

It was sought to effect the aims of the survey through the following means:

1. Locating and visiting Jewish workingmen's circles of formal or informal character and explaining to their officers and members the nature of the Bureau's work in behalf of workingmen and immigrants, and inviting their cooperation in this work.

2. Holding discussions with the Jewish social workers who had specialized in work among immigrants.

3. Establishing at a recognized Jewish social institution, a station which would at once serve as an evening branch to which

those who needed the Bureau's assistance could come after working hours.

4. Holding public meetings in social and settlement centers located in sections of the city where the Jewish immigrant population predominated.

THE TANGIBLE RESULTS

Two hundred and fifty-seven workingmen's circles, having an average membership of fifty each, were found in the different thickly populated Jewish sections of the city. At least one visit was paid to each of these workingmen's groups. In the course of that visit it was explained to the secretary of the organization, or to some representative in his place, that the Bureau of Industries and Immigration was doing everything possible to aid immigrants in adjusting themselves to American conditions of life, and to prevent their exploitation at the hands of the unscrupulous. The secretary of each of these industrial-immigrant circles conveyed this information to his fellow members and those in turn conveyed it to their employers. The result was that thousands of immigrant workingmen were made to realize for the first time that the country of their adoption stood ready to extend to them a protecting hand at all times, and their employers were given to understand that they could not with impunity treat their immigrant laborers unjustly.

COOPERATION WITH JEWISH SOCIAL WORKERS

Visits were made to the Young Men's Hebrew Associations, Young Women's Hebrew Associations, Educational Alliances, Social Centers, Settlement Houses, Community Centers and many other organizations differing widely in the names under which they worked but all tending in one way or another to help the poor and unbefriended. Conversations were had with the leading social workers of these institutions. These talks revealed three noteworthy things in particular:

First: That it was not generally known that the State of New York had provided an agency such as the Bureau of Industries and Immigration, the facilities of which were freely extended to all who needed legal aid and advice.

Second: That the Jewish social institutions could and gladly would avail themselves of the Bureau's services.

Third: That, however, in order to enable those institutions to avail themselves of the Bureau's facilities to any considerable degree, it would be necessary for the Bureau to establish closer and regularly continued connections with them and to continue the work which the Bureau had begun of spreading information concerning the purposes of the Bureau among the immigrant and workmen classes who had not yet been informed.

The social workers communicated with were generally glad to take and read reports and pamphlets concerning the Bureau's activity and to spread the information gained thereby. The Bureau representative who conducted the survey urged them wherever possible to organize committees of their own members to cooperate with the Bureau. This was accomplished in some instances but was not generally continued because the Bureau did not have at its disposal the means whereby it could accord to the great number of social institutions that continuous cooperation without which they could not effectively proceed in this work.

ESTABLISHMENT OF A BUREAU EVENING CENTER

In October, 1917, an evening center for Bureau activity was established at the Young Men's Hebrew Association of Williamsburgh, 164 Clymer street, Brooklyn. The directors of that association generally extended all the facilities at their disposal to the Bureau's representative so that it was possible for the Bureau to conduct this center with practically no additional expense to the State. The aim of this center was twofold:

- (1) To serve the immigrant and working population of Williamsburgh.

- (2) To establish a sort of "clearing-house" for organizations aiming to help immigrants and unable to accomplish their aims without assistance from the Bureau.

Tangible results were slow in forthcoming because this mission of the Bureau was new and strange, and scarcely understood by the very people whom it sought to serve. Nevertheless, gradually and almost imperceptibly the Bureau's ostensible sphere of influ-

ence and activity enlarged. This result became very apparent in the months of December and January — at that critical time in the history of our great war when the nation's draft boards were confronted with the novel and unparalleled problem of questioning and classifying for military service millions of men, thousands of whom could neither read nor write nor understand the English language. Between December and January, 220 draft board cases alone were handled by the Bureau's evening center. Not merely were the lengthy questionnaires filled out for this great number of draft registrants without the cost of a penny either to them or to the Federal government, but in many cases the objects and purposes of the draft law were fairly explained to immigrants with whom draft boards had neither the time nor the patience to discuss such matters. In many cases a bitter and grumbling immigrant was converted into a ready and willing fighter for the country of his adoption.

PUBLIC MEETINGS

It was planned to arrange public mass meetings during the winter at Jewish social and settlement houses in various parts of the city and to have a representative of the Bureau address the gatherings, explain to them the Bureau's work and invite their cooperation. Many of these meetings were actually arranged but most of them had to be called off for lack of proper heating facilities in the buildings in which they were to have been held. Wherever the acute coal situation permitted, however, gatherings were addressed by the Bureau's representative. A notable meeting was held on a Saturday evening in the large auditorium of the Educational Alliance on East Broadway, New York. At this meeting the work of the Bureau was explained in Yiddish to several thousand immigrant Jews — men and women.

In the course of this survey, 1,169 visits were made to Jewish workingmen, immigrant, social settlement, community and philanthropic institutions or to persons affiliated with them in some official capacity. The information imparted in these visits to the persons and organizations visited, was no doubt spread to thousands of others with whom more direct communication could not be made.

INTANGIBLE RESULTS

Perhaps the most valuable effects of this survey are those which it is most difficult to explain adequately by the printed word and figure. For one thing it had the effect of removing much of the immense amount of prejudice which exists in the minds of poor immigrants who, coming to this country to escape oppression in one form, find themselves subject to oppression in another — exploitation at the hands of the unscrupulous. Their bitterness and dismay is turned to gratification when they find that a recognized government agency stands ready to assist them with all the resources at its command.

Another of the "intangible" results has been the prevention of the just causes of immigrants' complaints and the utter elimination of some of the most fertile fields of exploitation. Many small employers, for instance, who at one time thought nothing of defrauding a helpless employee of a day's wage, now think twice before attempting such things, because they know that their employees are aware of a government Bureau which is ready at all times to see that full justice is done them.

REPORT OF THE DIVISION OF ALIEN EDUCATION

MRS. MARIAN K. CLARK, *Chief Investigator*:

MADAM.—As adviser in alien education to the Bureau of Industries and Immigration of the New York State Industrial Commission, I have the honor to submit the following report:

The Bureau of Industries and Immigration is by law empowered 'to devise methods for the proper instruction of adult and minor aliens in the English language and other subjects, and in respect to the duties and rights of citizenship, and the fundamental principles of the American system of government; and may establish and supervise classes and otherwise further their education.' (Subd. 3, am'd by L. 1912, ch. 543.)

The Bureau of Industries and Immigration is the natural State agency to reach adults industrially employed. The Bureau is equipped with the best technical methods for instruction through industries as directed by the law. Action by it is fully authorized by law, but its hands are completely tied through lack of any appropriation which can be used for this legally authorized pur-

pose in order to meet the pressing industrial and social need of Americanization.

Therefore I counsel that the Industrial Commission include in its budget for 1919 an item of not less than one hundred thousand dollars to enable the Bureau to take immediate steps to carry out the wise provisions of the existing law relating to the important functions and activities delegated to the Bureau for promotion of a common language in industry and a more general Americanism.

Every third person in the State of New York is foreign born.

One sixth of the population are aliens.

Every twentieth adult is unable to read or write in any language.

One-tenth of the population are unable to read, write, or converse in the American language.

In the absence of direct Federal and State statistics since 1910 I have endeavored to assemble the data and arrive at a just estimate of the present number of foreign-born in New York State, their illiteracy, and their ability to speak the American language.

In 1910 the total population of the State was 9,113,614, of whom 29.9 per cent, or 2,729,272, were born in some foreign land. Since 1910, 1,461,766 foreign immigrants have come into the State, and 471,794 emigrants have gone from the State, making a net increase of 989,972. There have, however, been 424,000 deaths among the foreign born since 1910, so that our present population born in other lands numbers 3,300,000, or one-third the total population of nearly ten millions.

Year	Immigration into New York State	Emigration from New York State	Net Immigration
1911.....	260,278	71,046	189,232
1912.....	239,275	84,533	154,742
1913.....	330,531	83,608	246,923
1914.....	344,663	76,017	268,646
1915.....	95,028	67,016	28,012
1916.....	79,968	47,935	32,033
1917.....	84,639	20,377	64,262
1918.....	27,384	21,262	6,122
	<u>1,461,766</u>	<u>471,794</u>	<u>989,972</u>

Since 22 per cent is the minimum of all foreign-born over ten years of age in this State who are unable to speak the American language, we have among us 680,000 persons unable to make themselves understood in ordinary conversation or even to write

the name of the language or dialect in which they habitually express themselves.

At least 425,000, or 63 per cent, of those over ten years of age are technically illiterate, that is, unable to write even in their own language — a number which would populate so great a city as Buffalo.

Thus the State of New York is confronted with the problem of a half million of its people who cannot read or write in any language, and nearly three-quarters of a million who cannot speak the language of America. This vast number is cut off from contact with American life, thought, standards, and ideals.

Unable to read a danger sign, they give rise to more than two-thirds of industrial accidents, and through inability to read the simplest work directions, they increase enormously the costs of industrial production. Their inability to share the common thought retards civic, industrial, and social advance, and greatly increases the annual cost of State administration.

Because of lack of schooling, these fellow residents of ours are exploited on every hand, often by persons of their own race and, being constant and inarticulate victims of injustice, are sources of unflinching social unrest and industrial friction and loss.

There are approximately 1,700,000 males and 1,600,000 females, in the whole number of foreign born.

Roughly speaking, one-fifth (18.3%) are Germanic, one-fifth (21.5%) are Yiddish or Hebrew, one-fifth (20.4%) are of Mediterranean origin, and probably 12 per cent are Slavic or Lettish. Less than 4 per cent are Scandinavian.

Nearly one-half, or 1,500,000, have arrived in America since 1900, and are not too old nor too fixed mentally to be taught to speak, read, write, and cipher; but less than 440,000, which includes all those under 21 years of age, can be reached by the schools even under recent school laws and assuming that these laws are enforceable. Thus the great mass of recent immigrants who are young or middle aged will remain unschooled and generally without knowledge of our language, unless influences are brought to bear, such as are possible through this Bureau, acting through the industries.

The mere ability to write one's name which constitutes technical literacy is quite insufficient for intelligent citizenship. Beyond

the numbers of those who have had no schooling whatever there are as many more who have had slight opportunities for instruction, and even that instruction, scanty, poor, and long-forgotten, so that the numbers of those who are really unschooled form more than one-half of our immigrants. Nearly 2,000,000 are of this type.

Lack of schooling implies not ignorance necessarily, but inability to share American thought. The problems of reaching these unschooled adults is industrial, not scholastic. They will not or cannot attend day or evening classes in schools. They can be reached only by other means, such as are planned by this Bureau through their vocations and daily life.

The Bureau of Industries and Immigration can be of unique public service in effecting more rapid assimilation of the adult employed alien than any other agency if its budget is framed so that this important work of Americanization can be properly extended.

WINTHROP TALBOT.

LEGAL DIVISION

During the past fiscal year 808 cases have been reported to the legal division. Of these 700 were adjusted and closed; 32 are pending and 76 were referred to other agencies for settlement. Numerous prosecutions have been conducted and convictions obtained in New York and Kings counties against notaries practicing law without a license. For the first time some of these prosecutions have been brought in Buffalo.

One of the actions in Buffalo was brought against a woman who for years past has practiced law without a license, her clients being almost entirely from the Polish section. As a result of these prosecutions a Polish bar association has been organized and instructed by resolution to assist in every possible way in bringing to justice such violators of the law.

On September 1, 1917, the amendment to section 270 of the Penal Law became effective, rendering it a crime for a person to solicit business for a duly admitted practitioner. This amendment was placed upon the statute books through the efforts of the New York County Lawyers' Association and this Bureau. It had been a practice previous to the passage of this amendment for various

attorneys to have what is commonly called "runners" and in most cases these "runners" obtained cases by claiming to be attorneys. The Bureau has obtained evidence in several cases which will be presented to the proper authorities, and undoubtedly convictions when obtained will have a deterrent effect in the future.

MEDICAL

The conduct of so-called "museums of anatomy" has practically come to an end. One in particular which, according to testimony developed during the trial, had existed in Buffalo for over thirty years, was prosecuted upon evidence obtained by investigators of this Bureau. Dr. Edward T. Stevens, who operated the institution while still maintaining the name of "Dr. Linn's Museum," was arrested and after a trial before the Honorable Thomas F. Noonan, Judge of the City Court of Buffalo, New York, was convicted upon the charge of maintaining a public nuisance. Stevens himself is a duly licensed physician but he employed persons who were not licensed, and the exhibits that were displayed in the said museum were considered by the court to offend public decency, and therefore to be a public nuisance.

While many of the so-called medical offices against which numerous prosecutions were brought for some time past have disappeared, there seems to have sprung up in the various large cities of the State, doctors who advertise cures by the use of electrical devices. These offices are conducted by licensed physicians, employed on a salary, but apparently are controlled by one man. There is now pending in the district attorney's office, Erie county, four indictments against one of these physicians who conducts such an office in the city of Buffalo. Numerous convictions were obtained for practicing medicine without a license. These prosecutions were conducted in conjunction with the counsel of the County Medical Society of New York County.

One case in particular, which seems to be of enough importance to deserve the Commission's attention is that of Ferdinand A. Pinz. An anonymous communication was received in relation to this man. After much difficulty, evidence was obtained against him for practicing medicine without a license, and a warrant was issued thereon. He was ostensibly conducting a school at the address where he was arrested. Upon the arrest of Pinz on his

premises were found a large quantity of hypodermic needles and narcotic drugs. A separate charge of possessing narcotics without being a duly licensed physician was lodged against the prisoner. Upon his arraignment he was released on a \$1,000 bail for trial in the Court of Special Sessions. Subsequent thereto upon evidence obtained the prisoner was indicted for malpractice and held in \$5,000 bail. Further investigation disclosed that the defendant continually performed illegal operations; that he was a degenerate of the worst type and also an alien enemy and, previous to his entry into this country, had been convicted of crime. Notwithstanding that he was not a licensed physician he had been appointed and had acted as an assistant to the medical examiner of a local exemption board in this city and, although he was at that time himself suffering from a venereal disease, he was permitted to examine the eyes, ears, nose and throat of registrants under the selective service law, and had personally exempted approximately 1,000 out of 1,200 that he had examined. This evidence was submitted to the Federal authorities and the said defendant was interned for the duration of the war. At the request of the Federal authorities he was brought to the Court of Special Sessions and upon conviction was sent to the New York Penitentiary for an indefinite term, upon the expiration of which he is to be returned to the Federal authorities for such action as they see fit to take.

Upon investigation made by this Bureau one J. Louis Cermack was arrested upon the charge of "practicing medicine without a license." He conducted an office at 73 East End avenue in this city, with a branch office in Brooklyn, and after being brought to trial in the Court of Special Sessions he pleaded guilty to the charge of illegally practicing medicine. It further developed that the prisoner was working in conjunction with certain others in the issuance of forged medical diplomas to persons in this State. Upon his agreement to aid the authorities in bringing to justice the persons who were really responsible for this practice, and at the request of the Department of Education, sentence was suspended by the Court of Special Sessions. The prisoner, however, did not avail himself of the opportunity given him and he was arrested under another warrant charging him with petty larceny

arising out of similar transactions and was thereupon sentenced by the Court of Special Sessions to the penitentiary.

FRAUDS

Numerous investigations have been made in relation to the exploitation of aliens and one in particular is that of the Standard Films Industries, Inc., of which Louis B. Jennings was the president.

The evidence shows that there were approximately 350,000 shares of stock sold to over five hundred subscribers, among whom were one hundred and fifty-three Italians. No account has ever been made of the moneys collected thereon and there have been no dividends or moneys paid to the subscribers. Among the names appearing as directors of this concern were several well known men of the financial world and it was as a result of their names appearing as such directors that most of the subscribers were induced to invest their money. In the literature issued by the corporation they were represented to control the output of pictures in one hundred cities of the United States, but from the beginning to the end they never produced a dollar's worth of business. Jennings was indicted together with one Harry Brolaski, who is at present mayor of Rodondo Beach, California, as was also one R. H. Davidson, one of the distributing agents in New York city. At the present time the three defendants are released on bail and the prosecution of the case is pending in the District Attorney's office in the county of New York. It further developed during the investigation that Jennings had floated approximately thirteen different corporations by similar means and each and every one has come to the same end. An adjunct to the Standard Films Industries, Inc., was what was known as the Paragon Theatres Corporation, wherein they promised to build theatres on a cooperative plan in various cities and as a result of these promises obtained many subscriptions to stock in the said corporation. At the present time this Bureau is investigating these transactions and in the event of sufficient evidence being obtained as to violations of the law will endeavor to bring those guilty to justice.

In the last annual report mention was made of the investigation of cases being brought to the courts of the State for damages where injuries had been sustained in the coal mines of Pennsylvania.

During the past year the Bureau has investigated about fifty such cases where actions for the total amount sued for was approximately \$1,500,000 and settlements were obtained amounting to only about \$25,000.

It has been the practice of these attorneys to have "runners" located in the coal regions who solicit these claims and, upon a retainer being signed, bring them to New York and by establishing a fictitious residence result in great expense by trial of such cases in this State. In many cases the plaintiff in the action practically received nothing for the settlement of his claim. Since our investigation into these matters this procedure has practically stopped and aliens at the present time apply to the Workmen's Compensation Commission of Pennsylvania, where they are able to obtain adequate justice for their injuries.

REASSURANCE MEETINGS

The appropriation for counsel to the Bureau was disallowed in the budget for 1918, and the entire work of the Bureau was consequently seriously handicapped. The Bureau was conducting a series of reassurance meetings for aliens throughout the State. As a result of the declaration of war the many thousand subjects of the Central Powers were greatly agitated concerning their personal safety as well as the safety of their savings and property.

At this time Mrs. Thomas De Martinez Cardeza became interested in the Bureau's efforts to improve the unhappy condition of these Austro-Hungarian immigrants and through her generosity a counsel and chief clerk were appointed and all salaries, rents, printing and other expenses of conducting the reassurance meetings were personally paid for by her. To Mrs. Cardeza, therefore, we gratefully acknowledge this generous assistance at a time when the status of the Central European immigrants in New York State was crucial.

SUMMARY OF ACTIVITIES

The activities of the Bureau for the fiscal year ended June 30, 1918, are summarized in the appended tables.

The active cooperation existing between the Police, Fire and License Departments, the District Attorneys of the State, Customs

officials as well as all other Federal, State and Municipal Departments is gratefully acknowledged.

MARIAN K. CLARK,
Chief Investigator.

BUREAU ACTIVITIES

	Field	Office	Total
Advice and information.....	278	884	1,162
Banks	79	210	289
Docks, ferries and terminals.....	1,010	.....	1,010
Employment agencies	1,008	308	1,316
Frauds	147	295	442
Labor camps	396	115	511
Lodging houses	757	891	1,648
Porters, runners and expressmen.....	144	.....	144
Steamship ticket agencies.....	42	112	154
Wage claims	426	2,100	2,526
Miscellaneous	1,001	594	1,595
	<u>5,288</u>	<u>5,509</u>	<u>10,797</u>

RECEIVED		CASE WORK		DISPOSITION	
Banks	30	Closed	700		
Employment agencies	116	Pending	32		
Frauds	24	Referred to public authorities....	20		
Labor camps	56	Referred to private agencies.....	56		
Miscellaneous	137				
Steamship ticket agencies.....	22	Total	808		
Wages	423				
Total	<u>808</u>				

LICENSING OF LODGING HOUSES

	FISCAL YEAR			
	1918	1917	1916†	1915
Licenses issued	191*	135	135	202
Fees collected	\$1,470	\$1,575	\$1,145	\$1,725
Inspections	757	1,151	760	1,424
Letters written.....	891	‡	‡	‡
Rate cards issued.....	2,072	1,022	1,938	2,822

MONEY SETTLEMENTS

Banks	\$2,228 80
Employment agencies	35 35
Frauds	139 72
Labor camps	6 75
Lawyers	143 00
Steamship ticket agencies.....	1,061 52
Wages	4,174 00
Miscellaneous	651 53
Total.....	<u>\$8,440 67</u>

* Other licenses approved in this year numbered 344.

† This fiscal year consisted of nine months, ended June 30, 1916.

‡ Data not available.

PART VII
REPORT OF BUREAU OF INDUSTRIAL CODE

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REPORT OF DEPUTY COMMISSIONERS IN CHARGE OF BUREAU OF INDUSTRIAL CODE

To the Industrial Commission:

Herewith is submitted the report of the Bureau of Industrial Code for the fiscal year ended June 30, 1918.

During this period, the Bureau has continued its work in the preparation of the rules and regulations which form the Industrial Code. There have been serving on advisory committees engaged in this work with us, including experts and technical men, 154 persons representing all interests affected by the rules. These committees have held meetings in various parts of the State, have made personal inspections of plants and have called into conference representatives of industries in which we found that the proposed general rules could not be applied and where it was necessary to formulate a rule or rules to cover a particular or peculiar operation.

Forty-seven public hearings were held, principally in Buffalo, Rochester, Syracuse, Utica and New York City, which resulted in the adoption by the Industrial Commission of the following codes: Guarding of dangerous machinery, vats, pans and elevated runways; trough water closets; mines and quarries; automatic sprinkler systems; smoking in factories; lighting of factories and mercantile establishments, and additional rules on sanitation of factories and mercantile establishments.

We set forth here a brief statement of the procedure followed in the preparation of the various codes:

DANGEROUS MACHINERY, VATS, PANS AND ELEVATED RUNWAYS

Rules for guarding dangerous machinery, vats, pans and elevated runways were adopted after an exhaustive study of the subject by the advisory committee, which covered a period of close to two years. In addition to the many meetings held, the committee visited industrial plants, making personal investigation of the subjects under consideration and working out practical safeguards. These visits were not limited to any particular industry

but included such industries as textiles, paper making, metal work, woodworking, heavy iron and steel.

These rules were the subject of public hearings in various parts of the State, after which the committee was again called in session and such changes made as deemed advisable. The committee recommended that the safety code for the use, care and protection of abrasive wheels, prepared by the Abrasive Wheel Manufacturers of the United States and Canada, be printed in connection with rules relating to dangerous machinery as a recommendation, and in view of this and the many changes in the proposed rules, made after the public hearings were held, they were again the subject of public hearings and finally adopted.

MINES AND QUARRIES

These rules, we believe to be the most comprehensive set of rules of this nature to be adopted by any State and were recommended by an advisory committee, on which, among other interests represented, was the United States Bureau of Mines. The committee made personal inspection of mines and quarries in this State, devoting many days' time to these inspections. Very few changes in the proposed rules were suggested when public hearings were held thereon.

WINDOW CLEANING

Because of the many fatal accidents to persons engaged in the occupation of window cleaning, the Bureau was directed to prepare rules for their protection. Rule 5 was prepared, and after public hearings, adopted. This rule requires the owner or tenant to provide the safety devices specified in the rule and provides regulatory requirements.

AUTOMATIC SPRINKLER SYSTEMS

In several sections of the Labor Law, credit is given for the presence of an automatic sprinkler system. The installation of such a system in a factory building renders compliance with certain requirements of the law unnecessary in some instances, and in others reduces the requirement. The Bureau was directed to formulate rules for the installation and maintenance of sprinkler systems. After due consideration, and with the assistance of the Underwriters' Association and other interested bodies, a complete

set of specifications for the installation, maintenance and operation of sprinkler systems was, after public hearings, adopted by the Commission and these rules now form part of the Industrial Code.

LIGHTING

The work on these rules, begun in November, 1916, was completed on June 20, 1918; public hearings were held thereon at Buffalo, Rochester, Syracuse, Utica and New York, and were adopted on June 25, 1918, and became effective July 1, 1918. As there were not available any records of light measurements or tests made in industries, by recognized authorities, this work was exceedingly difficult, and as such data was indispensable in fixing minimum intensity requirements in the various industries, we found it necessary to go into the factories and mercantile establishments, make actual tests, take light measurements, and study the diffusion, distribution and shading of lights and inspect and investigate conditions. As the relatively short period of each day during which artificial light is used afforded only a limited opportunity for making tests, the work was necessarily extended over a considerable period. In the prosecution of this work our advisory committee held eight meetings of one day each, and one meeting lasting two days, and sub-committees held many meetings. The advisory committee in a body visited and inspected three large industries where we made seventy-eight tests and light measurements, and carefully studied the shading and distribution of the light. Two sub-committees of lighting experts also made 335 tests and light measurements in twenty-eight different industries, machine shops and foundries, and two inspectors of the Bureau of Hygiene were especially instructed in this work and took more than 10,000 light measurements in 240 various industrial and mercantile establishments, and studied the lighting conditions therein.

Other states that have standards for lighting, confined their rules to general lighting for rough and fine work and operations only. We have gone much further. Recognizing the progress made in appliances for the accurate measurements of illumination, a number of which have been perfected to such a degree that it is now possible to specify numerical light values per foot-candle, the accepted unit of illumination, we have classified thirty various

representative industries and specified minimum light intensities per foot-candle requirement at the work or point of operation. It was decided, however, not to make this classified table a requirement at this time, but to print it in the appendix to our rules as tentative, and a guide for illumination, and after a year's trial and further data of light measurements and tests, which are being extensively conducted by a corps of inspectors of this department, that it be made mandatory, if without further information and after public hearings thereon, they are found adequate and satisfactory. We have thus taken a step far in advance of any other State in rules for the proper and adequate lighting of factories and mercantile establishments, which must result not only in the reduction of many accidents and injury to health through eye strain but will also serve the purpose of raising the level of illumination in factories which are behind modern practice in illumination methods, and will contribute to industrial efficiency and increased production. The rules were approved by the Illuminating Engineering Society of New York State, and the great demand for copies from points all over New York State and from many other states, indicates a wide interest in the rules.

ELEVATORS

The amended rules relating to the construction, guarding, equipment, maintenance and operation of elevators and hoistways in factories, have been in process of revision for a period of nearly a year. All of these rules, forty in number, have been revised, rearranged and many new ones framed, making a total of seventy rules, and have been made applicable to mercantile establishments, as well as to factories. An important feature of the revision is the requirement of safety devices on all manually operated gates or doors at hoistway entrances of new installations, to insure the closing of elevator hoistway gates or doors before the car can leave a landing. A number of devices performing such functions have now reached a high degree of perfection, and with the rigid requirements of our specifications for the construction of interlocks and electric contacts, the safety conditions, it is believed, will be much improved, with a resultant reduction in the number of elevator accidents.

In the work of revising these rules, the advisory committee held five meetings, lasting one day each, and seven meetings of two days each, and one meeting lasting three days; conferred with the best informed elevator constructors and manufacturers and technical men, and carefully compared our proposed rules with and studied elevator codes of other States. Sub-committees of the advisory committee held many meetings, made numerous inspections of elevators, hoistways and safety devices. One meeting was held by the advisory committee, which was attended by a large number of manufacturers of interlock and electric contacts, to confer and consult with them with reference to the proposed specifications of these safety devices. Public hearings on the proposed rules were held in Buffalo, Rochester, Syracuse, Utica and New York, and after further consideration of the rules by the advisory committee, subsequent to the hearings, the rules were submitted to the Commission for action thereon. On June 25 they were recommitted to the advisory committee for further revision of six of the proposed rules, with reference to the application of interlocks and electric contacts to existing installations. A meeting of the advisory committee will be held at an early date to continue the work as directed by you.

SPECIAL TRADES AND PROCESSES, INCLUDING DANGEROUS TRADES

These rules, now being formulated, will cover general chemical trades, technical chemical trades, dry color, oils, paint, varnish and thermometer industries, dyeing and cleaning establishments; the manufacture of linoleum, oil cloth and wood alcohol, and for the prevention of anthrax. This advisory committee has held five meetings and there have been several meetings of sub-committees. At this time tentative rules have been formulated for technical chemical trades, for the manufacture of wood alcohol, for thermometer industries and for dyeing and cleaning establishments.

Considerable opposition having been manifested by the tanners to the proposed rules for the prevention of anthrax, which have been drafted, as affecting their industry, a meeting was held by our advisory committee for a conference with a committee representing the tanners of New York State, and representatives from

the National Tanners' Association of Washington, D. C. This meeting, held in Albany, was well attended and lasted throughout the day. As a result of that conference, further consideration of these rules will be given by our advisory committee.

Five sub-committees are engaged in framing rules for paint and dry colors, varnishes, oil cloth and linoleum, and for leads and oxides, respectively. This work, involving as it does much research, is necessarily progressing slowly, but it is hoped that reports from some of these sub-committees will be received in a short time.

SMOKING

Section 83-c, subdivision 3, provides that "no person shall smoke in any factory but the Commission in its rules may permit smoking in protected portions of a factory or in special occupancies where in its opinion the safety of the employees would not be endangered thereby". Early in the period which this report covers, rules permitting smoking in certain industries and in protected portions of a factory were adopted. After a trial, it was found that the rules did not meet all conditions, more especially those found in the smaller communities. The rules were accordingly amended and now seem to operate to the satisfaction of all, affording adequate protection to the employees, yet not depriving them of the privilege of smoking where it would be safe to permit it.

BUILDING OPERATIONS

An advisory committee to recommend rules for the protection of persons employed in building operations was appointed and at the close of this period is still at work. This committee is made up of equal representation of employers and employees together with representatives of insurance interests and engineers employed by the Commission. Many meetings of the various sub-committees have been held and at this writing we can say that the proposed rules are comprehensive enough to cover every phase of building operation and adequately protect the health and life of persons engaged in the construction of buildings, and in addition require the installation of sanitary conveniences now lacking.

COMPRESSED AIR

Toward the close of this period, the Industrial Commission appointed an advisory committee to recommend rules for the protection of persons employed in compressed air. On this committee are two representatives of the Compressed Air and Foundation Workers, two representatives of contractors engaged in such work, one tunnel engineer and one physician, both representing the Public Service Commission, and one engineer, representing the insurance interests. In its work the committee has the advice and assistance of the engineers, physicians and tunnel inspectors in the employ of the Commission. A sub-committee is now at work formulating a tentative set of rules.

TROUGH WATER CLOSETS

By an amendment to Section 88-a, subdivision 3 of the Labor Law, the use of trough water-closets in factories is permitted if of a type specified in the Industrial Code. The Bureau prepared a set of specifications for such a type of closet, which, after public hearings, were finally adopted and now form part of the Industrial Code.

VARIATIONS

The work in relation to petitions for variation from the requirements of the Labor Law and Industrial Code was continued by the Bureau. The number of such petitions shows a decided falling off as compared with the previous year. Eighty-one petitions were received and acted upon as against 205 petitions received during the year ended June 30, 1917. This decrease is due, no doubt, to the difficulty in securing building material and labor and the consequent lack of building operations. To this Bureau are referred only those petitions for variation relating to new building construction.

During the year eighty-eight public hearings were held on petitions for variations, as follows: New York City, 44; Buffalo, 21; Syracuse, 10; Albany, 9; Utica, 2; Rochester, 1; Watertown, 1.

APPROVALS

There has also been a falling off in the number of petitions for the approval of material and devices as required by the Labor Law and Industrial Code. This, too, no doubt, has been due to engage-

ment in war-time activity of the manufacturers of these articles. Forty-five petitions were favorably acted upon. The list of approved articles include fireproof doors, fireproof windows, plumbing material, mechanical devices and material for use in the construction of fire alarm signal systems.

The entire supervising, clerical and stenographic work necessary in the prosecution of the work of this Bureau has been performed by two Deputy Commissioners and two stenographers, which constitutes the total paid force of the Bureau for the year.

THOMAS C. EIPPER,

RICHARD J. CULLEN,

Deputy Commissioners.

PART VIII
REPORT OF BUREAU OF BOILERS AND
EXPLOSIVES

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REPORT OF CHIEF ENGINEER

IN CHARGE OF BUREAU OF BOILERS AND EXPLOSIVES

To the Industrial Commission:

Pursuant to your instructions, I am herewith submitting a report of the Bureau of Boilers and Explosives for the period from July 1, 1917, to June 30, 1918, giving a financial statement of boiler and magazine fees received, also the work performed by the inspectors and the board of examiners.

BOILER INSPECTION

Inspections	1,889
Orders issued	1,691
Orders complied	981
Investigations	3,445
Certificates issued	1,728
Reports submitted by insurance companies, examined, checked and filed at this office	16,628

MAGAZINE INSPECTION

Inspections	539
Orders issued	536
Orders complied	614
Certificates issued	933

FINANCIAL

Boiler inspection fees	\$9,475
Magazine license fees	8,730
Total	\$18,205
Paid to State Treasurer	\$18,205

BOILER CODE

The boiler code, printed as Industrial Code Bulletin No. 14, relating to the construction, installation, inspection and maintenance of steam boilers in factories, mines, tunnels and quarries, was adopted by the Industrial Commission in accordance with the requirements of sections 51-a and 52 of the Labor Law.

Rules 800-821 and Paragraphs 378-409, covering existing installations, became effective July 1, 1917. Paragraphs 1-377 and 410-430, covering new construction and installation, became effective January 1, 1918.

Section 91 of the Labor Law provides that every duly authorized insurance company shall report to the Industrial Commission

all boilers insured by them coming within the provisions of this section including those rejected, together with the reason therefor.

Rule 806 of the boiler code provides that all boilers subject to periodic inspection by duly authorized insurance companies shall be exempt from regular annual inspection by the Industrial Commission on the following conditions:

a. The insurance companies' regulations shall conform with the boiler code.

b. The insurance companies' inspectors who inspect boilers operated in this State shall hold certificates of competency issued by the Industrial Commission.

c. Reports of all inspections shall conform to the requirements, and shall be made upon forms approved by the Industrial Commission.

d. A copy of all internal and external inspection reports shall be filed with the Industrial Commission within twenty-one days after the inspection is made.

e. Insurance companies, whose inspectors hold certificates of competency, shall immediately report to this Commission the name of the owner or user, and the location of every boiler on which insurance has been refused, cancelled or discontinued because of existing dangerous defects and shall within a reasonable time report all other refusals, cancellations or discontinuances.

Rule 807 of the boiler code provides that inspectors of steam boilers in the employ of duly authorized boiler insurance companies must pass a written examination as to their knowledge of the construction, installation, maintenance and repair of steam boilers and their appurtenances before they obtain a certificate of competency. The certificates of competency are issued by the Industrial Commission upon recommendation of the examining board which was appointed on October 2, 1917, and which is composed of a representative of boiler manufacturers, the duly authorized insurance companies, operating engineers and the boiler inspection division of the Industrial Commission.

BOARD OF EXAMINERS

The board of examiners was organized on October 11, 1917, and conducted examinations and held meetings at Buffalo on October 23, 1917; Syracuse, November 2, 1917; Albany, November 27, 1917; Syracuse, December 6, 1917; New York, December 11, 1917; New York, January 9, 1918, and Buffalo, April 10, 1918. During the period from October 11, 1917, to June 30, 1918, 305 certificates of competency and commissions were issued. These written examinations are similar to the examinations held by the State Civil Service Commission for boiler inspectors in this Bureau.

EXPLOSIVES

At the present time there are nearly 1,000 licensed explosive magazines in the State having an aggregate storage capacity of five million pounds of explosives.

Explosives are used extensively in this State in mines, tunnels and quarries, on railway and highway construction work and agricultural purposes such as tree-planting, ditch-digging, sub-soiling and blowing out stumps and boulders.

When the United States entered the world war a large number of concerns discontinued the storage of explosives for the period of the war.

During the fiscal year there were no explosive magazines broken into and there were no explosions in an explosive magazine in this state.

BOILERS

Section 91 of the Labor Law should be amended so that this Department should have jurisdiction over the inspection of all boilers generating steam or heat which carry a steam pressure of more than ten pounds to the square inch.

During the legislative session of 1918 a bill was introduced to give this department jurisdiction over all boilers which carry a steam pressure of more than ten pounds to the square inch, but the bill did not pass.

The boiler laws of other states apply to all boilers and we believe the time is not far off when this State will enact the necessary legislation.

GEORGE A. O'ROURKE,
Chief Engineer.

PART IX
REPORT OF LEGAL BUREAU

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REPORT OF COUNSEL TO THE COMMISSION

To the Industrial Commission:

The proposition to eliminate from the forthcoming budget all appropriation for the legal bureau of the State Industrial Commission, which is specifically provided for in the law creating the Commission (Chap. 674 of Laws of 1915, as amended), and thus wipe out the bureau and leave the Attorney-General as the sole legal aid to the Commission, seems to proceed upon a failure to appreciate the extent and enormous detail of the legal work necessary to the proper administration of the Labor Law and the Workmen's Compensation Law of the State, as well as upon a misunderstanding of the fact that the bureau is really no expense, or very little expense, to the State.

It should be remembered that under the provisions of the Compensation Law and the rules governing the payment of fines imposed for violations of the Labor Law, the State is reimbursed for practically the whole expense of the Legal Bureau.

A very great part of the work of the Bureau is given over to the administration of the Compensation Law. In order to enforce the fundamental theory of compulsory insurance which underlies the Compensation Law, prosecutions, under sections 50 and 52, have to be kept up, as a warning to slackers that the law cannot be violated with impunity.

A still greater number of judgments have to be entered in the various counties upon awards against uninsured employers and proceedings supplementary to execution instituted to collect the awards. They have resulted, as is shown later, in the collection of a large sum of money for injured workmen who are too impecunious to prosecute violators of the law, but what is more, they show employers who would flout the law that such conduct cannot be permitted. The prosecutions along these lines are very numerous and require great patience and the labor of a man who approaches the matter, not so much from the standpoint of the amount involved, as from that of law enforcement. Then, too, in the matter of appeals, while the Attorney-General for the most

part argues the cases, the records have to be prepared from the folders in this office, and inasmuch as our findings of fact are conclusive upon all courts, findings in every appeal case have to be made with as much care as in the case of any law suit, in fact with more care, because if final, as the statute says they are, the Commission feels they should be absolutely correct. The data which follows herein gives some idea of the enormous amount and detail of this work, but it is difficult to express upon paper the intimate daily relation which the Legal Bureau necessarily bears to the work of the Commission if the law is to be justly administered.

Now the expense of all this is ultimately paid, not by the State, but by the insurance carriers under section 77 of the Compensation Law, which is as follows:

§ 77. Expenses of Administering Commission.— As soon as practicable after July first, nineteen hundred and seventeen, and annually thereafter, the Commission shall ascertain the total amount of its expenses incurred during the preceding fiscal year, in connection with the administration of the workmen's compensation law, and shall thereupon assess upon and collect from each insurance carrier, including the state insurance fund, the proportion of such expense that the total compensation or payments made by such carrier in such year bore to the total compensation or payments made by all insurance carriers. The amounts so secured shall be transferred to the state treasury to reimburse it for this portion of the expense of administering this chapter.

The expense of the Legal Bureau is apportioned and the part covering all this work is put into the administration expense of the Commission in executing the Compensation Law and returned to the State Treasury. Thus, there was returned to the State an aggregate of \$317,755.90 as the entire expense of executing the Compensation Law for the fiscal year ending June 30, 1917, of which \$20,794.78 was apportioned for the Legal Bureau. This was in addition to \$165,244.10 for administering the State Fund. (See printed Report of Commission for 1917, p. 28.) The figures for the year ending June 30, 1918, are now in process of preparation. In no event does the legal work for the Compensation Bureau cost the State anything. It is a mere advancement by the State and is repaid.

If this work were turned over to the Attorney-General it is difficult to see how its infinite detail would be attended to, and, in

in any event, the expense now paid by insurance companies would go to swell the tax levy.

So far as the expense of prosecutions for violations of the Labor Law is concerned, it should be noted that for the five years 1914-1918, inclusive, the aggregate of fines imposed was \$100,700, or upwards of \$20,000 per year. These, of course, go to relieve the burden of taxpayers in any event. The only way the expense of collecting them can be taken from the State is to turn the prosecutions over to the various district attorneys for prosecution. Experience has shown, however, that such a course is the sure method of *not* enforcing the Labor Law. Not only do the district attorneys not care to have extra work thrust upon them, but it is found that, generally speaking, they are not only not in sympathy with enforcement of labor legislation and therefore are not vigilant in prosecuting violations, but local influence of wealthy employers who are constituents and often co-workers in the same political party deadens all effort to enforce a law which may be unpopular in the locality.

A proper enforcement of the Labor Law demands that prosecutions for violations shall be made by a legal staff thoroughly in sympathy with its enforcement, removed from neighborhood influence and under the direction and control of a sympathetic labor department. The thought is well expressed in a single sentence in the report of the Commission to the Legislature for 1917, "Labor laws mean nothing unless there is intelligent and persistent enforcement."

In order to illustrate and make vivid the foregoing consideration the following statements giving in some detail the facts relative to the work of the Legal Bureau are added:

THE WORK OF THE LEGAL BUREAU IN COMPENSATION CASES

1. *Preparation of Findings.* In every case in which an appeal is taken to the Appellate Division from an award or decision of the Commission, notice of the appeal is served upon the Legal Bureau. Immediately upon receipt of the notice of appeal the Bureau sends either to the clerk of the Commission or to the Deputy Commissioner in New York, or elsewhere in the State, before whom the case was tried, a request to have all the papers in such case sent to the Bureau. Upon receipt of the papers the

entire record in the case is examined and all of the testimony taken before the Commission gone over thoroughly in order to ascertain whether or not the case is complete. If it is found upon such examination that there is any point which has not been fully developed, or, if in the opinion of the Bureau the award cannot be sustained, the case is referred, either to the Commission as a body, or to the Deputy before whom the case was heard, either by the counsel or one of the assistants, explaining what further points will need further consideration, or if it is believed that the award cannot be sustained, giving the reasons and citing the authorities in support of such opinion. On the other hand, if the case is complete after the examination then elaborate findings of fact and rulings of law are prepared by the Bureau. Under the statute it is the duty of the Commission within thirty days after receiving the notice of appeal to prepare findings of fact and rulings of law, called in the statute "conclusions of fact and rulings of law," and to file same with the clerk of the Commission, serving copies thereof upon all parties to the appeal. The preparation of these findings necessitates thorough examination of the record in each case and familiarity with the decisions of the courts in compensation cases. The fate of the appeal in almost every case depends very largely upon the skill, ability and intelligence with which the findings are prepared.

Findings are prepared in at least two cases every day of the year. There are at least sixty appeals from awards taken every month, and in a large number of the cases — nearly one-half of those in which findings are prepared — the insurance carriers, after the receipt of the findings, withdraw the appeals. Copies of the findings in each case are mailed to all parties in interest. The work of preparing the findings takes the entire time of one assistant counsel and of one stenographer.

2. *Examination of Proposed Cases on Appeal.* After the findings have been served upon the parties, it is, under the statute, the duty of the appellant to serve upon the Commission his proposed case on appeal which consists of the entire record of the case, including copies of the claim for compensation, reports of the employer, notices served by the employee upon the employer, transcript of all testimony taken on hearings before the Commis-

sion, all affidavits and other papers filed in support of or in opposition to the claim. Upon receipt of the proposed case on appeal it is the duty of the Legal Bureau to compare the proposed case with the original papers in the case. To do this requires the work of two persons, because comparison with the original papers cannot be made by one clerk alone. We have on appeal at each term of the Appellate Division from thirty to eighty cases and shortly before each term a large number of proposed cases are served upon the Commission and it becomes necessary to assign at least two clerks to the work of making such comparison. If, upon the comparison, it is found that important papers are omitted or the testimony is not correctly set forth amendments to the proposed case are served, or the appellant is notified of the omission and required to make the case complete. The success or failure of the appeal depends in a very large measure upon seeing that the record of the case as presented to the Appellate Division is accurate and complete.

3. *Argument of the Appeals.* Under the statute the Attorney-General represents the Commission on appeals to the Appellate Division, but it has been the practice of the counsel to the Commission to appear with the Attorney-General in practically all cases in the Appellate Division. The counsel to the Commission is in close touch with the Commission, knows the history of the case, is familiar with the decisions of the Commission and the grounds upon which the Commission has made an award, and it has been felt that he could be of assistance to the Attorney-General in presenting the arguments in support of the appeals. He has in a number of cases filed briefs in support of the awards, and in some cases has filed briefs in which the Attorney-General did not file a brief.

He has participated in a number of arguments before the Appellate Division, and assisted the Attorney-General in the presentation of the points involved. From his familiarity with the history of the cases and the grounds upon which the Commission made its awards, the Commission has felt that its counsel has been able to render material assistance in the argument of the appeals.

4. *Entry of Orders upon Remittiturs from the Appellate Division.* After the case has been determined by the Appellate

Division the Attorney-General, in cases in which the awards have been affirmed, files with the Commission a remittitur from the Appellate Division; and in cases in which the awards have been reversed, the appellant files with the Commission a remittitur. In all such cases the Legal Bureau prepares an order to be entered by the Commission upon the remittitur, making the order of the Appellate Division the order of the Commission.

5. *Appeals to the Court of Appeals.* In many cases, appeals are taken from the Appellate Division to the Court of Appeals. In all such cases a new record is required to be prepared for presentation to the Court of Appeals and it again becomes incumbent upon the Legal Bureau to see that the record of the case as presented to the Court of Appeals is a correct and accurate record of the case. The Bureau also keeps a record of each case to ascertain whether such appeals are taken within the time prescribed by statute.

After the case is heard by the Court of Appeals another order is entered by the Commission upon the order of the Appellate Division entered upon the remittitur from the Court of Appeals. The Bureau then follows up the case to see that the award is paid, in case the award is finally affirmed.

6. *The Records.* As above stated, in the Legal Bureau is kept an accurate record of every step in appeal cases so that at any time any party in interest, either the Commission, the claimant, or the insurance carrier would know the exact status of the case. There is scarcely a day that passes when some of the claimants in the appeal cases do not call at the office of the Legal Bureau to ascertain the condition of their cases and it takes considerable time of the Bureau's staff to wait upon such claimants and give them the information to which they are entitled.

In addition to that, the keeping of the records takes the time of two clerks and enables the Bureau to know whether or not the appellant is prosecuting the appeal with diligence and filing papers within the prescribed time. If the papers are not served in time the Bureau calls upon the Attorney-General to move for the dismissal of such appeals.

7. *Collection of Awards in Uninsured Cases.* In every case in which an award is made by the Commission or any of the

Deputies against an employer who has failed to secure compensation as required by the Compensation Law, the papers in the case are referred by the Commission, or the Deputy, to the Legal Bureau for the collection of the award. Under the statute the first step to be taken in such cases is to prepare a notice of the decision and award to be mailed to or served upon the employer. At least one hundred such cases per month are referred to the Bureau. It requires the services of one assistant and one stenographer to prepare notices of decision and award alone. After the notice of decision and award is mailed to the parties a record has to be kept showing when the judgment may be entered. Under the Federal statute, it is necessary before certified copy of the decision and award can be filed as a judgment to have an investigator ascertain whether or not the employer is in the Federal service, and an affidavit is to be prepared by the investigator giving the facts of his examination and stating whether or not the employer is in either branch of the Federal service. In addition to this, an affidavit is required from this Bureau to the same effect.

If the award is not paid within the time prescribed by statute certified copy of the decision and award is then filed by this Bureau with the county clerk of the county in which the accident occurred and under the statute the filing of such certified copy constitutes a judgment. Upon entering the judgment the Bureau orders execution from the sheriff of the proper county and follows up the case to ascertain whether the sheriff has been able to levy upon any property of the employer.

If the execution is returned unsatisfied, papers are prepared for the examination of the uninsured employer in supplementary proceedings. These papers consist of petition and affidavit and an order to be entered by the court. One of the staff is required to see that such orders are entered and then at the time set by the court, to appear in court and examine the defendant employer regarding his property. There is a constant stream of claimants who have been awarded compensation against uninsured employers calling at the office of the Bureau for information regarding their cases. The work of the collection department requires the services of two or three assistants and three stenographers.

During the period from July 1, 1918, to December 31, 1918, the Legal Bureau collected from uninsured employers in the

manner above described through this office the sum of \$15,279.63, and in addition thereto the sum of \$5,671.78 was paid directly to the employees by the employers after proceedings had been instituted by the Bureau for the collection of the awards. From January 1, 1919, to January 22, 1919, there has been collected through this office the sum of \$1,420.95, and there has been paid directly by the employers to the employees the sum of \$2,083.68, making a total amount collected through the efforts of the collection department since July 1, 1918, \$24,456.04.

8. *Advice and Opinion on Legal Questions.* A number of cases are referred by the Commission to the Bureau for opinion as to whether or not under the law and the decisions of the courts the award should be made. The cases so referred to this Bureau require study and investigation and cover a wide range of legal questions, involving as they frequently do questions relating to admiralty law, domestic relations law, corporation law, interstate commerce, and practically every branch of the law.

In addition to the cases upon which opinions are requested, the Legal Bureau is called upon daily either by one of the Commissioners or the heads of some of the departments for opinion and advice on questions of law relating to matters coming within the jurisdiction of the Commission and the different department heads. The Bureau is in constant communication with the Commissioners and the heads of the various departments on questions of law constantly arising in the administration of the Compensation Law.

9. *Correspondence.* The correspondence of the Legal Bureau is very heavy. We have pending at all times on an average of 250 cases on appeal besides between 300 and 400 collection cases and there is daily correspondence in reference to such cases. In addition to the correspondence that is necessarily involved in the conduct of such a large business, employers from all over the State are constantly writing to the Commission asking for advice regarding their business as to whether it is covered by the Compensation Law; or other questions relating to the administration of the law, and practically all such letters are referred to this Bureau for answer, which makes the volume of correspondence exceedingly large.

10. *Prosecution of Uninsured Employers.* The Commission has been making an earnest effort to ascertain the employers in the State who have failed to comply with the law by insuring their employees by one of the methods prescribed by statute. Under the law it is a misdemeanor for an employer, who is conducting a hazardous business under the act, to fail to carry compensation insurance. Thousands of letters have been written by the Bureau to employers throughout the State who do not carry compensation insurance. Complaints are constantly being received that certain employers do not comply with the law and carry compensation insurance. In a number of these cases investigation has been made by this Bureau to obtain the necessary evidence for the prosecution of such employers and a systematic effort is now being made to carry on such prosecutions vigorously. A number of such prosecutions have been had and convictions obtained. The only reason more have not been commenced and prosecuted has been the failure to have a sufficient force to conduct such prosecutions.

The following are the statistics of compensation cases handled by the Appeal Department of the Legal Bureau during the fiscal year ending June 30, 1918:

APPELLATE DIVISION

Pending and undetermined on July 1, 1917.....	293
Cases in which appeals were taken between July 1, 1917, and June 30, 1918.....	659
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Total number of appeals requiring attention during the fiscal year.	952
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DISPOSITION OF APPEALS TO THE APPELLATE DIVISION

Appeals from orders of the Commission withdrawn.....	344
Claims disallowed on rehearing and appeals from orders of the Commission withdrawn	89
Awards affirmed	167
Cases remitted to the Commission for further hearing.....	17
Appeals dismissed for want of prosecution.....	33
Awards reversed	43
Pending and undetermined on June 30, 1918.....	259
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Total.	952
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Three questions of law were certified to the Appellate Division by the Commission, as permitted by Section 23 of the Compensation Law, during the fiscal year. The questions so certified were answered in the negative in the cases of *Frings v. Pierce-Arrow Motor Car Co.*, 182 App. Div. 445, and *Sharlow v. Sharlow Bros. Co.*, 181 App. Div. 963. The question certified in the case of *Carlson v. Ogden Co.*, 181 App. Div. 963, was answered in the affirmative.

COURT OF APPEALS

Pending and undetermined on July 1, 1917.....	7
Cases in which appeals were taken between July 1, 1917, and June 30, 1918.....	44
Total number of appeals requiring attention during the fiscal year.	51

DISPOSITION OF APPEALS TO THE COURT OF APPEALS

Appeals withdrawn	1
Awards affirmed	29
Appeals dismissed for want of prosecution.....	1
Awards reversed	5
Pending and undetermined on June 30, 1918.....	15
Total.....	51

UNITED STATES SUPREME COURT

Pending and undetermined on July 1, 1917.....	0
Cases in which appeals were taken between July 1, 1917, and June 30, 1918.....	1
Total number of appeals requiring attention during the fiscal year.	1

DISPOSITION OF APPEALS TO THE UNITED STATES SUPREME COURT

Pending and undetermined on June 30, 1918.....	1
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RECAPITULATION

Court	Character of cases	Number of cases handled
Appellate Division.....	{ Appeals.....	952
	{ Certified questions.....	3
Court of Appeals.....	Appeals.....	51
U. S. Supreme Court.....	Appeals.....	1
Grand total		1,007

**THE WORK OF THE LEGAL BUREAU IN REFERENCE TO
ENFORCEMENT OF THE LABOR LAW**

The total salaries of the entire force assigned to Labor Law enforcement is \$11,770, of which sum \$9,550 represents the compensation of the attorneys and \$2,220 that of the stenographers. To do the work effectively, the above is the minimum force required and it is only by steady and constant effort that the volume of work required of this division of the Legal Bureau is kept up to date. The clerical force is insufficient and it is only by the active participation in that work by the attorneys that we are able to keep the records in proper condition and all the time up to date. There have been no additions to this branch of the legal force since the consolidation of the Labor Department and the State Workmen's Compensation Commission, the personnel being the same as that which conducted the same work under the Department of Labor in its old integral form. Indeed, the legal staff has been decreased by one through the assignment of Mr. Quigley to the collection department of the Compensation Bureau.

The work required of the Legal Bureau is unquestionably one of the strong factors in the proper conduct of the Labor Department work and it is indeed largely through its aid that the inspection division is enabled to enforce promptly and strictly the requirements of the Labor Law and the State Industrial Code. The work of the Bureau of Inspection — which includes factory inspection, mercantile inspection, homework inspection and inspections and investigations by the Bureau of Industrial Hygiene — and that of the Legal Bureau are absolutely intertwined. Practically all the work of this branch of the Legal Bureau comes from the Bureau of Inspection, the only exceptions being, indeed, such legal work as is involved in rendering opinions upon questions asked and in the preparation of amendments to the Labor Law and in advice upon the form of rules for the Industrial Code.

The Bureau of Inspection, through its inspectors, makes investigations and as a result thereof issues orders to the proper parties directing such changes as are required in the particular establishment. Such investigations also uncover all violations of the statutes regulating the hours of labor of women and children and one-day-of-rest-in-seven matters. Reinspections are made upon orders issued and, following a reported non-compliance, a letter

is written by counsel calling attention again to the violations of law existing and stating a final date for completion of the necessary work. A reported continued failure to comply with the law results at once in the inspection division's sending the matter to the counsel for prosecution.

The Bureau of Factory Inspection in New York City is divided into five districts and outside of New York City into four districts. The Bureau of Mercantile Inspection is divided into two districts, one of which covers the Greater City and the other the balance of New York State. The Legal Bureau handles the legal work for the entire State. In New York City, each supervising inspector in charge of a district has a certain day on which his detail meets counsel for the purpose of taking up new matters for prosecution. These are listed and counsel receipts for the same and personal interviews then follow with the inspectors to determine whether or not there is basis for a prosecution for a violation of the law and whether the evidence is sufficient. One afternoon per week, therefore, is given up to the inspection detail of the supervisors and, in addition thereto, the Bureau of Mercantile Inspection divides its force in New York City into two details, one of which comes in on one day and the other on another.

The above briefly outlines the general plan and scope of counsel's work in the Greater City of New York. As a result of the close co-operation between the Bureau of Factory Inspection and the Legal Bureau, the records show that few orders issued by the Department remain uncomplied with more than a period of two months from their issuance before they are placed in the hands of counsel and promptly thereafter in court to enforce compliance therewith. In the matter of the enforcement of the provisions of the Labor Law in reference to hours of labor of women and children and the one-day-of-rest-in-seven law, never more than a week elapses between the discovery of the violations and their reference to counsel. It is this promptness in court action which has brought about, particularly in New York City, an almost universal knowledge on the part of those affected, of the laws in respect to these matters.

In respect to the prosecutions for uncomplied orders, the Department has taken the middle ground that its main object is to bring about a compliance with the laws enacted for the benefit of

factory and mercantile workers and, upon a reported compliance with due promptness following prosecutions, has consented, in the absence of unusual factors, to a dismissal of such actions. These, however, as the record of the courts will show, are all dismissed with a statement upon the record that the motion is made because the work which was the basis of the action has been completed and the conditions of the statute met. In the matter of child labor and hours of labor and locked doors cases such action is not taken by the Department but an insistence upon prosecution and disposition by the court in regular routine is required.

When Commissioner Lynch was appointed Commissioner of Labor the so-called up-State legal circuit idea was developed. Investigations show that previous to his appointment all the up-State inspectors covering the counties outside the Greater city were without legal advice or legal help, except such as they might obtain from local district attorneys and this was extremely meager. The reason for this was that the District Attorney having the burden of enforcing all the provisions of the Penal Law was usually too busily engaged in the prosecution of greater crimes, such as murder, arson, burglary, etc., to take up his time in prosecutions for minor violations of the law which constituted only misdemeanors. As a result, it was found that the Department up-State was, through its inspectors, issuing orders to factory owners and receiving reports of non-compliance therewith and on the following inspection, the same conditions maintaining, reissuing the same orders over again. Commissioner Lynch felt, after the situation was outlined to him, that the same legal help should be extended to the up-State inspectors and thus to the up-State factory workers as in the Greater city, and accordingly arrangements were made whereby counsel for the Department was to visit each one of the up-State inspection district headquarters periodically — once in either two or three weeks, according to the demands of the work. As a result of this development the up-State factory inspectors and mercantile inspectors have been accorded the same legal help as in the Greater city and the result has been a greatly enhanced respect for the Labor Law by those affected by its provisions. The inspector has had the realization that behind him stood the Legal Bureau and where factory pro-

prietors were inclined to flout the law has known that recourse to the courts would result in every instance. It is no exaggeration to say that an investigation of outstanding orders up-State will show a greatly decreased number of uncomplined orders and an improved condition generally in the places affected by the law.

The cost of this up-State circuit is simply the traveling and maintenance expenses of counsel, which does not average \$100 per month.

A study of the work done by the Legal Bureau for the last five years beginning in 1914 and concluding June 30, 1918, shows the following:

**PROSECUTIONS FOR LABOR LAW VIOLATIONS IN FACTORIES AND
MERCANTILE ESTABLISHMENTS, 1914-1918**

Year	Cases begun
1914.....	2,022
1915.....	1,530
*1916.....	2,624
1917.....	4,136
1918.....	3,195
Total	<u>13,507</u>

In addition to this number there were awaiting trial at the beginning of 1914 two hundred and eight (208) cases that were pending at the close of the preceding fiscal year.

RESULT OF PROSECUTIONS FOR LABOR LAW VIOLATIONS, 1914-1918

Year	Convictions	Acquittals or dismissals
1914.....	1,518	399
1915.....	1,089	535
*1916.....	1,787	564
1917.....	3,789	663
1918.....	2,426	758
Total	<u>10,609</u>	<u>2,919</u>

* Nine months, October 1, 1915, to June 30, 1916.

DISPOSITION OF CONVICTED CASES OF LABOR LAW VIOLATIONS,
1914-1918

Year	Fined	Suspended sentence
1914.....	569	949
1915.....	445	644
*1916.....	694	1,093
1917.....	1,639	2,150
1918.....	948	1,478
Total.....	4,295	6,314

FINES IMPOSED ON LABOR LAW VIOLATORS, 1914-1918

Year	Amount
1914.....	\$14,985
1915.....	10,244
*1916.....	16,646
1917.....	37,635
1918.....	21,190
Total.....	\$100,700

It will be seen from the preceding tables that from October 1, 1913, to June 30, 1918, the Legal Bureau of the Department of Labor secured the conviction of 10,609 violators of the Labor Law. Of these 4,295 were fined \$100,700, while in the remaining 6,314 convicted cases magistrates suspended sentence.

A careful study of the above shows conclusively that the Legal Bureau assigned to the Bureau of Factory Inspection has not been an expense to the State but has really been conducted with a profit of upwards of \$40,000 in the past five years. It is true that the fines imposed and collected are not paid over to the State Treasury but they are collected and do go to the benefit of the people by being deposited in the local treasuries of city, town or village. That is the basis of the claim that this bureau has been conducted at a profit for the past five years of \$40,000. Aside from this financial profit the deterrent effect of constant active prosecution for violations of law has undoubtedly been vast. We think it cannot be disputed that the factory or mercantile owner in this State to-day knows thoroughly that a violation by him of the Labor Law unless with most excellent excuse will result in his being brought to court to answer.

* Nine months, October 1, 1915, to June 30, 1916.

There is one column in the above report which possibly requires a word of explanation and that is the column showing the "acquittals or dismissals." The number, apparently large, should not be considered as uncomplimentary to the soundness of actions instituted by the Bureau as in by far the majority of cases covered in that column they have been dismissals made upon motion of the Bureau following the compliance with the law forced by the prosecution itself. The number of actual acquittals which showed the prosecutions unsoundly brought will not run 2 per cent of the entire total of cases instituted.

We cannot believe that anyone who studies carefully the above statement of actual work done will be other than impressed with the idea that the State has received for the money expended full and ample service.

In conclusion, attention is called to the apparent result of an abolition of this branch of the Commission's service. It will remove from the Commission the compelling power to observe the law. It will take from the Commission the jurisdiction — in the event that the Attorney-General's office should be considered the one to handle the matter — of the individuals who might be assigned to carry on such work. Instead of the Commission having control of its legal force and of its legal force being subject to its commendation or rebuke or dismissal, it would lie under another jurisdiction entirely, and, further, a jurisdiction which would have the burden of enforcing all the laws upon the statute books throughout the entire State and peculiarly within the Attorney-General's jurisdiction. One can readily imagine that the Attorney-General when confronted by an enormous press of work would from time to time summon his representatives here detailed whither he might desire for the purpose of aiding in other matters. The divided jurisdiction would thereupon result in the Commission's being at times without any legal aid whatever and its work therefore would have to wait and would suffer accordingly. Much of the work done by the Bureau of Factory Inspection depends upon promptness in enforcement. A child labor matter or a violation of the law in respect to the hours of women or a locked door matter demands prompt action and in the event of such action not following promptly, the punitive force is lost entirely. It is most important that the factory owner or mercantile owner should realize that

violations of the statutes regulating his business are promptly followed by the punishment provided for in statutes.

LEGAL WORK FOR THE BUREAU OF INDUSTRIES AND IMMIGRATION

The law under which this Bureau acts is covered by sections 153-156-a of the Labor Law, which is very broad.

Section 153 is as follows:

General Powers and Duties.—The commissioner of labor shall have the power to make full inquiry, examination and investigation into the condition, welfare and industrial opportunities of all aliens arriving and being within the state. He shall also have power to collect information with respect to the need and demand for labor by the several agricultural, industrial and other productive activities, including public works throughout the state; to gather information with respect to the supply of labor afforded by such aliens as shall from time to time arrive or be within the state; to ascertain the occupations for which such aliens shall be best adapted, and to bring about intercommunication between them and the several activities requiring labor which will best promote their respective needs; application for labor that may be received and the treatment accorded to those for whom employment shall be secured; to co-operate with the employment and immigration bureaus conducted under authority of the federal government, or by the government of any other state, and with public and philanthropic agencies designed to aid in the distribution and employment of labor; and to devise and carry out such other suitable methods as will tend to prevent or relieve congestion and obviate unemployment.

2. The commissioner of labor shall procure with the consent of the federal authorities complete lists giving the names, ages, and destination within the state of all alien children of school age, and such other facts as will tend to identify them and shall forthwith deliver copies of such lists to the commissioner of education or the several boards of education and school boards in the respective localities within the state to which said children shall be destined, to aid in the enforcement of the provisions of the education law relative to the compulsory attendance at school of children of school age.

3. The commissioner of labor shall further co-operate with the commissioner of education and with the several boards of education and school commissioners in the state to ascertain the necessity for and the extent to which instruction should be imparted to aliens within the state; to devise methods for the proper instruction of adult and minor aliens in the English language and other subjects, and in respect to the duties and rights of citizenship and the fundamental principles of the American system of government; and may establish and supervise classes and otherwise further their education. (Subd. 3, am'd by L. 1912, ch. 543.)

4. The commissioner of labor may enter and inspect all labor camps within the state, and any camp which he may have reasonable cause to believe is a labor camp; and shall inspect all employment and contract labor agencies dealing with aliens, or whenever he may have reasonable cause to believe that

such employment or contract labor agencies deal with aliens; or who secure or negotiate contracts for their employment within the state; shall inspect all immigrant lodging places or all places where he has reasonable cause to believe that aliens are received, lodged, boarded or harbored; shall co-operate with other public authorities, to enforce all laws applicable to private bankers dealing with aliens and laborers; secure information with respect to such aliens who shall be in prisons, almshouses and insane asylums of the state, and who shall be deportable under the laws of the United States, and co-operate with the federal authorities and with such officials of the state having jurisdiction over such criminals, paupers and insane aliens who shall be confined as aforesaid, so as to facilitate the deportation of such persons as shall come within the provisions of the aforesaid laws of the United States, relating to deportation; shall investigate and inspect institutions established for the temporary shelter and care of aliens, and such philanthropic societies as shall be organized for the purpose of securing employment for or aiding in the distribution of aliens, and the methods by which they are conducted. (Subd. 4, am'd by L. 1912, ch. 543.)

Private bankers are governed by the Banking Law, as revised and re-enacted by L. 1914, ch. 369, and thereafter amended to date; compare especially Secs. 2, 21-50, 56-83, 150-172, thereof.

5. The commissioner of labor shall investigate conditions prevailing at the various places where aliens are landed within this state, and at the several docks, ferries, railway stations and on trains and boats therein, and in co-operation with the proper authorities, afford them protection against frauds, crimes and exploitation; shall investigate any and all complaints with respect to frauds, extortion, incompetency and improper practices by notaries public, interpreters and other public officials, or by any other person or by any corporation whether public or private, and present to the proper authorities the results of such investigation for action thereon; shall investigate and study the general social conditions of aliens within this state, for the purpose of inducing remedial action by the various agencies of the state possessing the requisite jurisdiction; and shall generally in conjunction with existing public and private agencies, consider and devise means to promote the welfare of the state. (Subd. 5, am'd by L. 1912, ch. 543.)

Improper practices by notaries public are punishable under the Penal Law, Sec. 1820-a. Transportation tickets to and from foreign countries are protected by the General Business Law, Secs. 150-154, and by the Penal Law, Secs. 1563-1565, 1572.

Therefore, in dealing with the provisions of this section it requires that legal advice shall be given both as to the Federal laws as well as the many State statutes.

The chief investigator of the Bureau has the right to subpoena witnesses and hold examinations and to adjust differences, and in these, many times, legal matters are involved which must be considered by a counsel.

It is almost impossible to specify in detail the amount and variety of advice that is requested of counsel as the persons who come here for assistance are all aliens unaccustomed to our ways

and ignorant of our language, therefore are more susceptible to the unscrupulous who, unless they are continually under supervision, can easily violate the law. The knowledge that this Department is empowered to act as legal adviser to the alien has had a decidedly deterrent effect upon such exploiters.

Another service performed by the Bureau to the alien is the amicable settlement of disputes between the employer and employee as to wages due to the employee. While these amounts individually may be small, nevertheless to the laborer himself, they are important, and if it were necessary for him to secure private counsel he would be unable to obtain any redress in the matter, and there is no other department of the State handling these particular claims. In the past five years we have adjusted for aliens in this classification alone 8,645 cases and collected \$35,341.18, which has been turned over to the various complainants without court procedure or costs.

Under section 156 of the Labor Law it is specifically our duty to inspect, regulate and license immigrant lodging places in the State of New York and upon the failure of the persons conducting the same to obey the law to prosecute the offenders.

The immigrants through the aid they have received from this Bureau have confidence in it and continually call upon it for legal advice as to their rights, and it is therefore necessary that counsel be present not only to so aid them, but to advise the investigators as to the many questions involved in making their investigations, and it seems that the work will increase as a natural result from the signing of the armistice. Recently many cases have been called to our attention by the immigrants desiring to return to their home countries as to having been exploited by certain individuals claiming that they could obtain for them passage on outgoing steamers when in truth they cannot guarantee any particular sailing at this time.

If these duties are delegated to other departments in separate and individual cases, it is to be feared that no real benefit would come to the alien and the persons who prey upon these poor unfortunates who are, for the most part laborers, would be free from any fear of being brought to justice.

ROBERT W. BONYNGE,
Counsel to the Commission.

PART X
OPINIONS OF THE ATTORNEY-GENERAL CON-
STRUING PROVISIONS OF LABOR LAWS
COMPILED BY THE BUREAU OF STATISTICS AND INFORMATION

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NOTE.— In the following pages are printed all of the opinions rendered by the Attorney-General in construing labor laws during the year 1918. Similar opinions of earlier years may be found in previous reports of the Department. The opinions are here arranged under general subject headings. Section numbers in these headings refer to the general Labor Law. Opinions dealing with that law are placed first, arranged according to section numbers, followed by opinions referring to other laws.

OPINIONS OF ATTORNEY-GENERAL

APPLICATION OF EIGHT HOUR LAW (§ 3) DOES NOT APPLY TO PUBLIC OFFICERS

June 24, 1918.

Hon. MERTON E. LEWIS, *Attorney-General, Albany, N. Y.:*

DEAR SIR.—I am writing to you in hopes that you will give me a little information on the Eight Hour Labor Law. I am working for the county of Niagara as a deputy sheriff and when I was first appointed I was supposed to work eight hours a day at \$3 per day. But now they have increased the time to ten hours a day by orders of the supervisors, but they have not increased the daily wage. If it will not put you to any inconvenience will you kindly give me some information in regards to this case, and oblige,

Very respectfully yours,

JAMES OATES,
Lockport, N. Y.

June 26, 1918.

Mr. JAMES OATES, *Lockport, N. Y.:*

DEAR SIR.—Replying to your letter of June 24th I beg to advise, that the Eight Hour Law is limited in its application to employees as defined arbitrarily under section 2 of the Labor Law. This defines an employee as "a mechanic, workingman or laborer." The courts have repeatedly held that the statute does not apply to public officers. A deputy sheriff is within this classification.

I am, therefore, of the opinion that the Eight Hour Law does not protect you.

Very truly yours,

MERTON E. LEWIS,
Attorney-General.

By E. G. GRIFFIN,
Deputy Attorney-General.

APPLICATION OF PREVAILING RATE OF WAGES LAW (§ 3) DOES NOT APPLY TO MUNICIPAL EMPLOYEES

BUFFALO, N. Y., March 27, 1918.

Hon. MERTON E. LEWIS, *Attorney-General, Albany, N. Y.:*

MY DEAR SIR.—I take the liberty of writing you for an opinion on the following:

According to the Labor Law, any contractor doing work for the city, or any municipality in the State, shall work his employees but eight hours, and pay the prevailing rate of wages prevalent in the community; what I would like to know is:

Is a city or municipality bound by this law to pay the prevailing rate of wages when the mechanic is employed directly by the city, and is considered a city employee?

I shall appreciate very much your consideration of this question.

Awaiting your reply, I am,

Very truly yours,

JOHN COLEMAN,
Business Agent of Building Trades,
Buffalo, N. Y.

April 3, 1918.

JOHN COLEMAN, Esq., 307 Law Exchange Bldg., Buffalo, N. Y.:

DEAR SIR.—We have received your letter of March 27th asking for our opinion concerning the payment by a city of the prevailing rate of wages. We have always construed this section as imposing upon a municipality the duty to pay the prevailing rate of wages to persons directly employed by it. However, as we understand the corporation counsel of Buffalo has taken the opposite view, we desire to give him an opportunity to be heard, after which we will write your our conclusion.

Yours very truly,

MERTON E. LEWIS,
Attorney-General.

By C. T. DAWES,
Deputy Attorney-General.

April 15, 1918.

JOHN COLEMAN, Esq., Allied Building Trades Section, 307 Law Exchange Bldg., Buffalo, N. Y.:

DEAR SIR.—After careful consideration of the question presented in your letter of March 27th, and after consideration also of a letter from the corporation counsel of the city, we are obliged to conclude that the city of Buffalo through its council has power to fix the salary or compensation of officers of the city, and of employees *who hold positions* in the city service regardless of the prevailing rate of wages provision contained in section 3 of the Labor Law. That is to say, the common council may create a position by name, such, for instance, as "street laborer," and fix the compensation of that position at less than the prevailing rate of wages if it so desires (§ 46, charter). The council cannot, however, pass an ordinance fixing the pay of laborers, workmen or mechanics engaged by any city officer from time to time as such men are needed, at a sum which is less than the prevailing rate of wages.

The courts have already taken the view that a man holding a yearly employment at a fixed salary or compensation is not within the intent of the prevailing rate of wages provision because he does not come into competition with other workmen of his class seeking daily or weekly employment. He has given up his right to earn the prevailing rate at days' wages in exchange for permanent employment which assures the income.

In the State service, the same condition arises as in your city service. The prevailing rate of wages provision applies to the State service, and yet the Legislature for the past two years or more has so segregated and detailed the items of the annual appropriation bill that it has fixed the compensation of hundreds of laborers, workmen and mechanics at a definite amount, thus preventing the operation of the prevailing rate of wages provision.

I should be pleased to advise you with reference to any particular laborer, workman or mechanic employed by the city, if all the facts are submitted.

Yours very truly,

MERTON E. LEWIS,
Attorney-General.

By C. T. DAWES,
Deputy Attorney-General.

WORKMEN'S COMPENSATION LAW

MEANING OF PHRASE "WORKMEN OR OPERATIVES" (§ 2, gr. 45)

May 4, 1918.

"Workmen or operatives" specified in group 45, added to section 2 of the Workmen's Compensation Law by Senate bill, Int. No. 602, Pr. No. 1608, refers to employees who do manual labor or are mechanics or artisans and does not mean clerks or those engaged in professional work.

INQUIRY

The Governor of the State of New York has requested an opinion with reference to the construction of the new group 45, which is added to the previous groups specified as hazardous occupations under section 2 of the Workmen's Compensation Law. This new group is included with other amendments in Senate bill, Int. No. 602, Pr. No. 1608, which bill is in the hands of the Governor, and which provides that it shall take effect immediately so that it will become a law at once upon its being signed.

This new group 45 is as follows:

All other employments not hereinbefore enumerated carried on by any person, firm or corporation in which there are engaged or employed four or more workmen or operatives regularly employed, in the same business in or about the same establishment, either upon the premises or at the plant or away from the plant of the employer, under any contract of hire, express or implied, oral or written, except farm laborers and domestic servants.

The question is what class of employees are covered by the term "workmen or operatives?"

OPINION

The word used throughout the Workmen's Compensation Law at present is that of "employee." This group brings in a new term "workmen or operatives," which term seems to have been adopted from the Ohio statute, which provides:

Every person in the service of any person, firm or private corporation, including any public service corporation employing five or more workmen or

operatives regularly in the same business or in or about the same establishment under any contract of hire, etc.

The term "workmen or operatives" would seem to have a more restricted meaning than that of "employee" and to refer to laborers, mechanics or artisans who do manual labor, and not to clerks or those engaged in professional work, and it is my opinion that the courts will so construe it.

The Court of Appeals has already held in the case of *Bowne v. Bowne Co.*, 221 N. Y. 28, and *Howard v. Howard*, 221 N. Y. 605, that the word "employee" does not refer to the executive officers of a corporation but rather to those who were employed for wages or upon a salary.

In Massachusetts it has been held that a janitor, appointed to do all work of cleaning, heating, ventilation, washing windows, care of yards, etc., about two schools, was both a "laborer" and a "mechanic:" *White v. City of Boston*, 226 Mass. 517; 166 N. E. 481. But a teacher, employed at an annual salary in the automobile department of an industrial and vocational school, was not a "laborer," "workman" or "mechanic:" *Lesner v. City of Lowell*, 227 Mass. 44; 116 N. E. 483. In Kansas, a police officer, not being a "workman," is not entitled to compensation: *Griswold v. City of Wichita*, 99 Kan. 502; 162 Pac. 276.

It has been held in Great Britain that a certified manager of a colliery, receiving £400 a year, who did no manual labor, was not a "workman:" *Simpson v. Ebbw Vale Steel, Iron & Coal Co.*, 92 L. T. 282; 7 W. C. C. 101.

The same rule is applied as to a chemist, whose duties were largely in the making of laboratory experiments and who in connection therewith did considerable manual labor: *Bagnall v. Levinstein*, 96 L. T. 184; 9 W. C. C. 100.

It is my opinion, therefore, that the term "workmen or operatives" would not be held to include clerical or professional work but would be limited to those who do manual labor or were mechanics or artisans. I can only speak in general terms. It would be difficult, if not impossible, to be more specific with reference to the many employments carried on throughout the State.

MERTON E. LEWIS,
Attorney-General.

To Hon. CHARLES S. WHITMAN, Governor of the State of New York.

REPAYMENT OF \$100 BY STATE TREASURER UPON DISCOVERY OF PERSONS ENTITLED TO DEATH BENEFITS (§ 15, subd. 7)

May 17, 1918.

Hon. JAMES L. WELLS, State Treasurer, Albany, N. Y.:

DEAR SIR.—In reply to your letter of the 17th inst., enclosing a letter from William Archer, Deputy Commissioner in the Bureau of Workmen's Compensation, with reference to repayment of \$100 paid to the State Treasurer in death cases where there are no dependents at the time of payment, but in which it afterwards transpires that there are dependents, would say that where the \$100 has been paid to the State Treasurer, and the State Industrial Commission, upon a rehearing, find and determine that there are dependents who are entitled to compensation, that repayment should then be made by the State Treasurer upon the certificate and order of the State Industrial Com-

mission; as, in that event, the State is not entitled to retain the \$100 provided by paragraph 7, of section 15 of the law.

Trusting this meets your inquiry, I am,

Very truly yours,

MERTON E. LEWIS,
Attorney-General.

By E. C. AIKEN,
Deputy Attorney-General.

COMPENSATION RIGHTS OF RESIDENT ALIEN ENEMIES (§ 17)

April 3, 1918.

Hon. CHARLES F. MURPHY, *Senate, Albany, N. Y.:*

DEAR SIR.—After receiving yours of March 20, 1918, I made an examination of the authorities with respect to the rights of alien enemies in our courts.

In the past, when there has been an international war, it has been customary, so far as practicable, to isolate or intern all subjects of an enemy nation or to expel them from the country. There are many authorities to the effect that an enemy has no standing as a plaintiff in the courts but all of these that have come to my notice were cases where a non-resident alien enemy was represented in the courts by attorney.

In the present war, however, the situation is very different. There are hundreds of thousands of German and Austrian subjects who are being permitted to be at large in the United States and to go about their business. The proclamation of the President under the authority of the congressional resolution declaring a state of war to exist, says:

"All alien enemies are enjoined to preserve the peace toward the United States and to refrain from crime against the public safety and from violating the laws of the United States and of the states and territories thereof, and to refrain from actual hostility or giving information, aid or comfort to the enemies of the United States, and to comply strictly with the regulations which are hereby or which may be from time to time promulgated by the President, and so long as they shall conduct themselves in accordance with law they shall be undisturbed in the peaceful pursuit of their lives and occupations and be accorded the consideration due to all peaceful and law-abiding persons, except so far as restrictions may be necessary for their own protection and for the safety of the United States, and toward such alien enemies as conduct themselves in accordance with law all citizens of the United States are enjoined to preserve the peace and to treat them with all such friendliness as may be compatible with loyalty and allegiance to the United States."

And I think that Justice McElroy of the City Court of New York reasoned well when he said: "It seems to me entirely free from doubt that even an alien enemy may still sue in our courts provided he is a resident here and entitled to the protection which the President's proclamation extends to him." (*Schultz, Jr., Co., Inc., v. Raimes & Co.*, 99 Misc. 626-631.) It seems absolutely absurd to say that persons may continue to live and carry on business in the United States and may not be plaintiffs in the courts for the protection of their persons and their property.

Although the phrase "alien enemy" has various meanings, for example, in the Draft Law it means a subject of an enemy country resident in the United

States, in the question before us, I think we might well look to the Trading With the Enemy Act (approved October 6, 1917, 40 Stat.). Section 2 of that act provides that:

"The word 'enemy', as used herein, shall be deemed to mean, for the purposes of such trading and of this Act—

(a) Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation with which the United States is at war, or resident outside the United States and doing business within such territory, and any corporation incorporated within such territory of any nation with which the United States is at war or incorporated within any country other than the United States and doing business within such territory.

(b) The government of any nation with which the United States is at war, or any political or municipal subdivision thereof, or any officer, official, agent, or agency thereof.

(c) Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term 'enemy'."

It will be seen that residents of the United States, not declared enemies by presidential proclamation or not regarded as enemies, even though they owe allegiance to an enemy sovereign, doing business with them does not constitute trading with the enemy and it is hard to think there could be any intention on the part of the lawmakers to permit them to do business, make contracts, etc., but not to permit them access to the courts for the enforcing of their rights.

For these reasons I would be inclined to the view that German or Austrian subjects employed in the State of New York should be considered entitled to the same rights as others similarly employed. There is an additional reason in the case of workmen's compensation, in that the enforcement of the Compensation Law is not like other litigation. In ordinary cases when an individual is wronged the law gives him the right of action in the courts which he must prosecute himself. In the case of workmen's compensation, however, the Legislature has provided, in order to protect the public against the necessity of supporting cripples and dependents as well as in order to protect workmen, that every employer must insure against injury to his employees engaged in stated dangerous pursuits, and that in case any of them are injured awards will be made by the Industrial Commission. The law is enforced rather by the Industrial Commission than by the workman, as is clearly seen when cases are appealed to the Appellate Division or Court of Appeals, such appeals taking the form of an action or proceeding in which the parties are the Industrial Commission and the insurer. There is, of course, no question of nationality if the Industrial Commission be looked on as the party plaintiff, forcing an insurer or a surety to make payments required by law as a condition to engaging in certain pursuits.

For these reasons I am satisfied that the rights of German or Austrian citizens or subjects under the State Compensation Law, or rather the liability under the Compensation Law of the employers of such persons, is not affected by the war when those persons are residents of the United States, obeying the regulations prescribed by the President.

In case an award is made payable to a non-resident alien enemy, the situation is somewhat different and the money should be paid to the alien property custodian of the United States. For your further information upon this branch of the subject, I enclose a copy of a letter dated November 5, 1917, from the Wisconsin Industrial Commission to the Attorney-General of the United States and a letter in answer to the same, dated November 16, 1917, addressed by the Bureau of Enemy Trade of the War Trade Board to the Industrial Commission of Wisconsin.

Yours very truly,

MERTON E. LEWIS,
Attorney-General.

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